

URBAN-ARCHITECTURAL DESIGN AFTER EXILE:
COMMUNITIES IN SEARCH OF A MINOR ARCHITECTURE

A Dissertation

by

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ABSTRACT

This dissertation analogically applies a framework of minor literary analysis to uniquely political units of the built environment. As urbanism is conventionally understood to be executed per the greatest utility of established communal objectives, an underlying politicization is inherent as such forms must adhere to dominant norms of development which potentially marginalize those who practice cultural methods outside normative standards. Employing a uniquely architectural method of environmental justice advocacy, select communities facing disenfranchisement react by self-producing urban-architectural forms (“UAFs”) to protect threatened cultural values from marginalization. Installed to subvert the existing power dynamic, such UAFs are potential exhibitions of *minor architecture*.

Adopting the analytical standards established by Gilles Deleuze and Felix Guattari for evaluating Franz Kafka’s literature, this paper tests six UAFs to discover if a minor architecture is possible under contemporary globalization. Employing an enumerated framework of minor production characteristics, an interpretive-historical analysis is the primary method of judgment regarding each unit’s execution of minor architecture. Two secondary tests are undertaken to validate the primary findings, the first of which is a physio-logical evaluation that characterizes and measures urban resource utility as per collective minority aims. Second, a newspaper correlation test is undertaken so as to judge the enunciative effectiveness of each community per issues of minority politics.

Of the six cases examined, two have their source in cinema including “Bartertown” of MAD MAX BEYOND THUNDERDOME (1985) and the “House on Paper Street” of FIGHT CLUB (1999). The four remaining cases include the Tibetan Government-in-Exile of Dharamsala, India; Student Bonfire of Robertson County, Texas; Isla Vista Recreation & Park District of Santa Barbara County, California; and the Emergent Cannabis Community of Arcata, California. Of all the cases studied, only the Tibetan Government-in-Exile met both the conditions of minor architecture and was validated in terms of practiced urban resource use as well as effective representation in mainstream newsprint. Both cinematic cases failed as minor productions of the built environment. Although they did not find full validation, the three remaining real-world UAFs each were found on a course of minor architectural expression at varying stages of execution.

This dissertation is dedicated to the memory of
Kevin Bedrich, Chad Burnett '95 and Kevin Hines '98.

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A. INTRODUCTION & LITERATURE REVIEW

Linda Groat and David Wang have published one of the only available treatises on architectural research for academic writing titled ARCHITECTURAL RESEARCH METHODS. In it, they state their own perspective on the importance of architectural research, including the obvious necessity of design research for the viability of the architectural profession into the future.¹ But beyond these normal, somewhat practice oriented reasons, they state the real imperative of contemporary architectural research is “that an ever-increasing proportion of architectural practice involves unfamiliar circumstances beyond the expertise of individual practitioners, and beyond the conventional wisdom of the profession as a whole.”²

As an effort to respond to the latter research imperative, this paper is submitted to document a sector of that unfamiliar to the practice and wisdom of the architectural profession. This dissertation concerns the execution of urban-architectural forms by disenfranchised communities in furtherance of specific political and communal desires. More importantly, this paper outlines a theoretical approach to understanding such forms, so as to afford greater expertise in identifying, studying and improving them in future design practice and scholarship.

A.1. INTRODUCTION

Paul Virilio, in his book PURE WAR, discusses in depth the impacts of innovation on communities from his vantage as an architectural and urban researcher. He states: “We are forced to expand the question of technology not only to the substance produced, but also to the accident produced.”³ He continues:

Every technology produces, provokes, programs a specific accident. For example: when they invented the railroad, what did they invent? An object that allowed you to go fast, which allowed you to progress – a vision à la Jules Verne, positivism, evolutionism. But at the same time they invented the railway catastrophe. ... I believe that from now on, if we wish to continue with technology, we must think about both the substance and the accident – substance being both the object and its accident.⁴

Globalization, a product of concerted political and economic innovation since the end of World War II, has its own embedded accident that has been realized after the September 11, 2001

¹ LINDA GROAT & DAVID WANG, ARCHITECTURAL RESEARCH METHODS, 8 (2002).

² *Id.*

³ PAUL VIRILIO & SYLVRE LOTRINGER, PURE WAR: A HISTORY OF THE PRESENT, 45 (2008).

⁴ *Id.* at 46.

attacks on the World Trade Towers of New York City and the Pentagon of Washington, D.C. Again, Virilio discusses this accident in terms of politics:

The dwindling of the Nation-State within great international federations, European development, the NAFTA pact between North and South America (a kind of common market), etc. – means the political, territorial war, linked to a national territory, has ceased to be viable. ... I'd say, to the point I even said to Baudrillard at the time of the World Trade Center attack: 'This is the start of the International Civil War.' Until now we've had national civil wars: The Spanish Civil War, the Paris Commune, but today this will be our first worldwide civil war.⁵

This accident of the “globalization” innovation has reconfigured the relationship of dominant cultures in terms of control over their minority communities. Although military violence has through history served as the most direct and common manifestation of political strife between a dominant culture and minority rights, today under the post-9/11 worldview, such actions have a high likelihood of categorization as terrorist activities. More disturbing is the fact that local minority communities may actually identify with terrorist organizations as they recognize their local dominant culture as part of a global system of politics, economics and control. This potentially nullifies the ultimate effectiveness of violence in rectifying immediate territorial difference. Now, such actions are identified as acts in the ongoing, international scale of terrorist violence rather than a local, national or territorially-based insurrection. Again, Virilio speaks to this by saying:

One cannot use violence against what is already violence, one can only reinforce it, take it to extremes – in other words, to the State's maximum power. ... Today, the only recourse is nonviolence.⁶

Assuming the truth of this logic, what is available to the minority for realizing a political desire after local disenfranchisement? This paper argues that a direct method of political reaction as it pertains to a specific territorial marginalization is a direct, focused response with the built environment. Bold, direct and inherently local, architecture and local-scaled urbanism limit the breadth of expression all the while manifesting a literal form of criticism to the dominant culture. As employed, these locally-political expressions of the built environment are hereafter termed urban-architectural forms.

Holding an openly notorious but largely unstudied place in both political and architectural practice, the urban-architectural form is a collective expression of the built environment which is designed, executed and inhabited for specific communal objectives. As the employment of the

⁵ *Id.* at 12-13.

⁶ *Id.* at 65.

urban-architectural form has normally been undertaken *by* the dominant culture through history,⁷ the potency of this potentially subversive method has largely been overlooked by disenfranchised communities. Due to the urban-architectural form's status as a product of both a political agency *and* the architect, there exists very limited scholarship of direct study of these fascinating forms by either research community. Political scientists have not studied such forms as they seemingly fall outside the traditional parameters of "political" action.⁸ Architectural research has avoided a direct study of minority politics in terms of development of the built environment as it is outside the normative categories of beauty, form and the fitness of the built form.⁹ In spite of such neglect, the use of the urban-architectural form after the attacks of September 11, 2001, has seemingly increased, emerging as a new, effective form of minority response to the potentially disenfranchising will of the dominant culture.¹⁰

A.1.1. Minority Response within the Dominant Culture

In general, it is difficult to effectively criticize the political will of a dominant culture from an internal position. As a minority community vis-à-vis a majority expression of power, there does exist a range of possibly successful responses available to the minority community, from peaceful

⁷ See MARCUS POLLIO VITRUVIUS, *THE TEN BOOKS ON ARCHITECTURE*, 6 (Morris Hickey Morgan trans., 1914). Vitruvius discusses in the first known treatise of architecture of Western Society the intentional detailing of the Caryatides at the Parthenon of Athens, Greece. The famous women wearing long robes sculpted into the columns signify the dominant triumph of the ancient culture so as to convey the diminished status of the losing rivals and to make the offending people to "appear forever after as a type of slavery." See also MICHEL CARMONA, *HAUSSMANN: HIS LIFE AND TIMES AND THE MAKING OF MODERN PARIS*, 153 (2000). Here, Carmona's explanation of Haussmann's intentions in executing the *grands travaux* of Paris states the argument that the most important end in realizing this ambitious urban-architectural form was the facilitation of troop movements so as to "bore deep inside the traditional foci of all insurrection" against the Napoleonic Empire. See VIRILIO, *supra* note 3, at 125. Virilio discusses this dominant technique by outlining how the Jesuits upon arrival in the new world would purposefully destroy tribal structure in favor of a 'rational' approach, disorienting and subjugating the native peoples simply via an expression of the reoriented urban layout and design expression.







⁸ After a survey of the forms of political research, four general categories of study in terms of dissent or minority response were found including: traditional democratic political action (such as voting, grassroots organization, legislation), media-based political action (including print, film or radio forms of expression), civil disobedience (including demonstrations, protests or strikes), and violent measures of response (revolution, intentional self-destruction, insurrection). Professor Andrei Marmor discusses those illegal forms of dissent in his paper *On the Forms and Limits of Political Dissent in a Liberal Democracy* found at <http://lawweb.usc.edu/users/amarmor/work/political.html>. See also *Political Dissent and Terrorism in Southern Africa* written by Anneli Botha at <http://www.iss.co.za/pubs/papers/90/Paper90.htm> for a general categorization of dissent outside the realm of strictly liberal democratic governmental forms, a description that includes legal as well as illegal forms of political dissent.

⁹ As a disclaimer, it must be noted that architectural theory has found fruitful reflection by regularly addressing both Marxists and anti-Modernist themes in terms of architectural design. This research concerns the expression of unique urban-architectural design techniques in furtherance of minority political desire, enunciations that are not *per se* a reflection of modernist complaints or Marxist theory. Jane Jacobs in her famous book *The Death and Life of Great American Cities* does vaguely discuss the importance of maintaining minority forms, at the very least emphasizing that developments for the recently disenfranchised are to be coordinated by the future occupants rather than strictly by architects and planners (especially the plans of Robert Moses) detached from the physical spaces as inhabited. Even so, scholarship on overtly political urban or architectural execution in favor of a minority community is missing from available scholarship. See JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* (1961).

¹⁰ As this built form of minority expression is under direct study for definition in this paper, without further investigation in consideration of the findings after this project, observations and untested findings cannot be validated at the present time. This will be further discussed in the conclusion section of this paper.

political participation to outright organized military violence. **TABLE 1** illustrates the range of minority responses to the political will of the dominant culture, each headed by a hero of that form of response, followed by their community of choice, the minority group's aim, and the method of response.

TABLE 1. Possible Responses by Minority Community to Dominant Culture

						
HERO	Rachel Carson	Johnny Cash	Martin Luther King, Jr.	Harvey Milk	Dalai Lama	Fidel Castro
MINORITY GROUP	Environmental Activists	Prisoners	African-Americans	Lesbian, Gay, Bisexual & Transgender	Tibetans	Cuban Proletarians
MINORITY AIM	Political Shift of Dominant Culture	Ideological Reformation of Dominant Culture	Equality within Dominant Culture	Sanctuary & Equitable Rights within Dominant Culture	Communal Equity in Contrast to Dominant Culture	Overthrow of Dominant Culture
	Peaceful > Severity of Minority Response <					Violent
MINORITY METHOD	Minority expression using internal mechanisms of dominant culture.	Propaganda, media and cinema to adjust the dominant paradigm short of civil disobedience.	Peaceful civil disobedience exposing irrationality of current paradigm to broaden definition of dominant culture.	Reuse and refitting of underutilized urban forms for minority expression & coexistence.	Exile and rehabilitation of minority community with newly created built environment.	Violent insurgence and overthrow of the dominant culture.
	I	II	III	IV	V	VI

In general, inquiry regarding minority responses to dominant power is under the research purview of political science. A study as to the role of the built environment in political action has largely gone without as neither discipline, architecture nor political science, wholly acknowledges ownership of this variety of scholarship. Even so, there is an untested premise that *any* form of urban development has a political impact, no matter how adamant practicing designers deny this

potential circumstance.¹¹ Referring to **TABLE 1** above, the role of urban space as it concerns minority responses to dominant power are most critical in regards to the methods expressed in Column IV and V. Under these methods, minority ghettos (Column IV) and exiled refugee camps (Column V), under favorable conditions can transform over time into minority bases of political action. More importantly, these bases have the potential to express a self-created urban form explicitly developed as a local model of resistance against the dominant culture.

For instance, in regards to Column IV, Harvey Milk solidified the position of the Castro District of San Francisco, California, as a major contemporary political stronghold for the Lesbian, Gay, Bisexual and Transgender community nationwide. As per Column V, the Central Tibetan Administration located just downhill from the village of McLeod Ganj, India, continues to take in Tibetan refugees, arrange for refugee relocation, and represent the political struggles of both the refugees and the Tibetans still living in China. These built expressions of collective architecture impose a political agenda, whereby every individual inside their boundaries must confront the politics of the place before they can communally coexist in the urban jurisdiction.¹²

Of course, the political potential of the built environment is not only available for minority opposition to dominant power. In fact, the use of urban design as a method to extinguish minority opposition and neutralize internal threats is as much a part of the intentions of architectural design as the classic concerns of structure, form and beauty.¹³ An example of this overt expression of dominant political urbanism was the reformation of contemporary Paris under Napoleon III during the mid-19th century. A central aim Napoleon III's improved Paris was an orchestrated effort to provide an infrastructure to "facilitate troop movements and bore deep inside the traditional foci of insurrection."¹⁴

A.1.2. Ameliorating the Nuisance of Modernization

In contrast to the caches of housing and neighborhoods friendly to the local insurrection that were erased with urban fiat, the planners for mid-19th century Paris also actively ameliorated the

¹¹ See VIRILIO, *supra* note 3, at 217, where he states "the architect's power is a major political power." See LEBBEUS WOODS, *ANARCHITECTURE: ARCHITECTURE IS A POLITICAL ACT*, 8 (1992). Here, Woods states "All architects are deeply involved in their work with the political, whether or not they admit it to others."

¹² R.E. Somol, *One or Several Masters?*, reprinted in *ARCHITECTURE THEORY SINCE 1968*, 789 (K. Michale Hays ed., 2000). Somol here does not directly discuss real places like the Castro District or McLeod Ganj, but discusses more generally the potential of a politically-charged urban form and its impact on visitors and residents.

¹³ MARVIN TRACHTENBERG & ISABELLE HYMAN, *ARCHITECTURE: FROM PREHISTORY TO POSTMODERNITY*, 102 (Second Ed., 2002). "The Porch of the Maidens" of Athens, Greece, literally evidences this architectural intention of urban design to proactively defend against opposition, internal or otherwise. See also NAN ELLIN, *POSTMODERN URBANISM*, 87-93 (1996) for evidence of contemporary urban design and defensive space for commercial maximization.

¹⁴ CARMONA, *supra* note 7, at 153.

nuisance of the city's development as an international hub by employing intentional counter-modernization techniques. With the influx of populations, goods, and interstate traffic, the city's initial development explosion created the necessity for a second, reflexive modernization to adequately capacitate the city's realized success. A potable water distribution system,¹⁵ enhanced waste systems,¹⁶ improved housing standards,¹⁷ and a clearly demarcated uniformity in the built language of the city (especially as it concerns building elevations and the boulevards of the city)¹⁸ were all executed simultaneously on behalf of all Parisian citizens. On a grander scale, new urban open space¹⁹ and an explicit interconnectivity within the city to avoid unbearable interstate traffic²⁰ was planned and physically enforced so as to create a model of urban civility. Each improvement listed above was proposed and installed in direct response to the nuisances inherent in exponential city growth as experienced in Paris at the time. More importantly, the innovations were based on the best theoretical practices available to the city's ministers, either built or designed on the emerging wherewithal of a universal 'rational' urbanism.²¹

Urban modernization as applied by the political will of a dominant culture regularly brings with it at least two negative symptoms of change in the built environment. First, the act of modernization itself has the potential to disenfranchise those minority communities opposed to the changes in community fabric. Second, a relative nuisance accompanies each innovation, especially as it is applied to existing community forms.²² By the account of some writers, this relative nuisance is considered a pre-ordained but unknowable 'accident' endemic to each innovation.²³

Usually, these nuisances are accepted as the price paid for overall improvements in society (also broadly known as the Modern Project) enforced by the dominant culture in a meta-exercise of rational logic. But, at times, rather than suffer this nuisance without mitigation, reflexive and ameliorative counter-modernization can be employed as the original form of modernization

¹⁵ *Id.* at 303.

¹⁶ *Id.*

¹⁷ *Sutcliffe* at 88 – 93.

¹⁸ *Id.*

¹⁹ CARMONA, *supra* note 7, at 153.

²⁰ *Id.*

²¹ Throughout Carmona's discussion of these Parisian improvements, there is a reference to the other world cities Parisian planners were appropriating from for the improvement of their own city. Such evidence of this global referential adoption includes the city parks of London, the overt urban organization of Algiers, and the avant-garde of Paris urban theory impacting the final designs executed for the city's final form.

²² GILLES DELEUZE & FELIX GUATTARI, *A THOUSAND PLATEAUS: CAPITALISM AND SCHIZOPHRENIA*, 508-510 (Brian Massumi trans., 1987). Deleuze & Guattari use the term deterritorialization rather than nuisance. Nuisance is a legal term applied to real property that will be discussed further in the next section of this paper. Deterritorialization is a philosophical term created by Deleuze & Guattari to discuss this very phenomenon between a dominant culture and the minority in terms of real territory, language, innovation and paradigmatic cultural values.

²³ *See VIRILIO, supra* note 3, at 45.

takes root and functions as designed.²⁴ These two themes, (1) disenfranchised communities²⁵ and (2) the relative *new*ills of modernization are regular topics in terms of environmental justice movement.²⁶ Although architecture and urban design are major contributors to this “progress by innovation,” the discussion of the politics of design is largely avoided in architectural theory or practice. This is true in spite the inherent coupling of modernization and cultural rupture has been well documented in architectural scholarship at least since Le Corbusier wrote TOWARDS A NEW ARCHITECTURE.²⁷

In review of **TABLE 1**, another attribute exists that is unique to those minority groups expressing their ambitions in terms of the methods of Column IV and V. Unlikely political protagonists who are successful in avoiding total disenfranchisement and who do so with the built environment, also potentially provide the dominant culture an ameliorative counter-modernization in reaction to the original iteration of modernization. In essence, by employing the minority-specific urban-architectural form, these groups with time are able to both negotiate out of their own powerless position all the while counteracting the original disenfranchising quality of disruption. To do so, each collective body must endeavor to invent while they subvert the power which has proven marginalizing.

In spite of the political and environmental gymnastics of these minority groups, a study of their techniques has largely been ignored by the research community. This neglect is less a snub of such minority efforts and more an illegibility of their forms due to each community’s existence outside accepted, preconceived “rational” practices of the dominant culture. More importantly, until recent scholarship, a philosophical basis for understanding these minority groups has been lacking for identifying, examining, and ultimately testing the validity of these critical communities actively producing urban space. Only in the past thirty years a framework has emerged to understand these minor expressions, as it has been tenuously established and is now ripe for further examination, study and reification.

That philosophical framework is based on the short book KAFKA: TOWARD A MINOR LITERATURE by Gilles Deleuze and Felix Guattari.²⁸ In this book, Deleuze and Guattari outline

²⁴ CHARLES JENCKS, THE NEW PARADIGM IN ARCHITECTURE: THE LANGUAGE OF POSTMODERNISM, 263-4 (2002).

²⁵ This symptom is so common with the implementation of projects in the built environment that all National Environmental Policy Act [NEPA] Environmental Impact Reports must include an analysis as to impact in terms of environmental justice. Put another way, an analysis is required as to the negative impacts potentially borne upon sensitive communities by the execution of the project, even if overall, the project under study is a positive for the larger community overall.

²⁶ ROGER FINDLEY & DANIEL A. FARBER, ENVIRONMENTAL LAW, 70 (Fifth Ed., 1999).

²⁷ LE CORBUSIER, TOWARDS A NEW ARCHITECTURE, 8 (1921).

²⁸ See Somol, *supra* note 12, at 789.

the definition of a minor literature with three characterizing elements. These elements are (1) the deterritorialization of a major language from a marginalized or minority position; (2) the thoroughly political nature of the body of work; and (3) the collective, enunciative value of the expression.²⁹ Connecting this literary framework to expressions in the built environment, architectural theorist R.E. Somol illuminates how these very same characterizing elements can be applied to architectural design in his paper titled *One or Several Masters?*, enabling a legibility of existing expressions of minor architecture.³⁰

A.1.3. Global Modernization as De Facto Dominant Culture

Understanding such an expression of minor architecture could not manifest at a more appropriate time in history. As the globalization of economic and political systems has only locked into an ever more worldwide relationship of reciprocity after 9/11, these expressions of a minor architecture thereby have an even greater breadth of application. Put another way, as dominant cultures homogenize in both content and expression for continued security and wealth, their political detractors are actually speaking to an ever larger dimension of unintended consequences and nuisance experienced throughout the world.

More importantly, as globalization is pursued in its current state of modern international development, its success as a movement has the potential to unwittingly ('accidentally') force political discourse into a "universal singularity" that subordinates differences into an ever one-dimensional form of the dominant culture.³¹ In pre-modern times, variant forms of local dominant culture created walls, ramparts and regional fortresses to settle its cities against time and outside dominant forces, thereby with the same techniques preserving difference within such walls.³² In contrast, today the newfound speed of technology, the economic interdependence of states on the world economy, and the globalizing diplomatic institutions put in place after World War II have erased those walls to form a global marketplace of ideas.³³ This universalizing cultural environment may have increased relative peace and economic wealth, but it also threatens to vanquish any form of *extra*-modern characteristics from contemporary society.³⁴

²⁹ GILLES DELEUZE & FELIX GUATTARI, KAFKA: TOWARD A MINOR LITERATURE, 16 – 17 (Dana Polan trans., 1987).

³⁰ See Somol, *supra* note 12, at 789.

³¹ DAVID SCHLOSBERG, ENVIRONMENTAL JUSTICE AND THE NEW PLURALISM: THE CHALLENGE OF DIFFERENCE FOR ENVIRONMENTALISM, 81 (1999).

³² VIRILIO, *supra* note 3, at 20.

³³ DAVID HUNTER, JAMES SALZMAN & DURWOOD ZAELEKE, INTERNATIONAL ENVIRONMENTAL LAW AND POLICY, 98-99 (1998).

³⁴ See SCHLOSBERG, *supra* note 31, at 70, 80 – 81.

This threat was directly addressed at the General Conference of the United Nations Educational, Scientific and Cultural Organization on October 17, 2003, at which the Convention for the Safeguarding of the Intangible Cultural Heritage was adopted by 133 member states of the United Nations.³⁵ In this convention, the introductory language of the document clearly asserts:

that the process of globalization and social transformation, alongside conditions they create for renewed dialogue among communities, also give rise, as does the phenomenon of intolerance, to grave threats of deterioration, disappearance and destruction of the intangible cultural heritage, in particular owing to a lack of resources for safeguarding such heritage...

Of the five permanent members of the Security Council, France and China are signatories of the convention; whereas the United Kingdom, the Russian Federation and the United States are not as recent as April 17, 2012.³⁶

This convention outlines both national and international mechanisms for safeguarding such intangible cultural heritage, first of all by taking an inventory of such manifestations.³⁷ Most important to this dissertation is the treaty's wording in Article 13: *Other Measures for Safeguarding*. Article 13(b) requires each signatory State Party to "designate or establish one or more competent bodies for the safeguarding of the intangible cultural heritage present in its territory."³⁸ Article 13(c) follows by requiring State Parties to "foster scientific, technical and artistic studies, as well as research methodologies with a view to effective safeguarding of the intangible cultural heritage."³⁹

This language in the treaty pinpoints two issues I hope to illustrate in this introduction as it concerns the dominant culture's power with globalization. First, this treaty is evidence of the erosive power of globalization on existing, arguably less 'rational' cultural forms that are not integral to continued contemporary modernization. Second, this treaty points to a greater emphasis in undertaking this research: to identify architectural methods for the dominant culture to safeguard that cultural heritage found important even if it does not seem to be paradigmatically logical to do so in terms of immediate aims of modernization. With a focus on the urban-architectural form as expressed by disenfranchised communities, this paper attempts to address the immediate need for a critical discourse that may co-exist within the dominant culture, especially as it concerns the built environment. Typified as minor architecture, this

³⁵ Convention for the Safeguarding of the Intangible Cultural Heritage, Oct. 17, 2003, United Nations Educational, Scientific and Cultural Organization.

³⁶ *Id.* See the most updated signature nations of the convention at <<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00024>> (April 17, 2012).

³⁷ *Id.* at 6.

³⁸ *Id.*

³⁹ *Id.*

unique form of the built environment has been theoretically proposed by R.E. Somol as a potential framework for such critical discourse.

A.1.4. Minor Architecture as Source of Invention

In addition to its ameliorative-seeking service to the dominant culture, minor architecture is of the utmost importance in terms of contemporary design research as such forms are potentially the last remaining opportunity for expressive revolution.⁴⁰ The urban-architectural form as designed for the disenfranchised community proposes a final *other* territory to circumvent the “disturbing practice” architects begrudgingly undertake via contemporary capitalism to simply spread the built forms of our increasingly “mediocre civilization.”⁴¹ Nan Ellin in her treatise POSTMODERN URBANISM has devoted an entire chapter titled the “Crisis in the Architectural Profession,” explaining that there is at least one way to redeem the profession. She proposes the necessity to commit to

deeper structural changes not only in architectural practice but also in society at large. Rather than contribute to perpetuating the status quo, this view holds that architecture should constitute a form of resistance to the world capitalist system and its corresponding values. The approaches that fall into this category – variously described as reflexive, humanistic, critical, or radical – usually entail incorporating an awareness of and sensitivity to cultural diversity and social inequity, an acknowledgement of architects’ relationship to other groups of people, and a commitment to practice architecture in a way that respects and preserves cultural diversity while contributing to diminish social inequities.⁴²

Even so, in considering the importance and appropriate place of the architect in innovating on an urban scale for social change, her language is much more restrictive in terms of actual practice. She overtly prescribes a limitation of the designer’s rightful use of power with a discussion of the importance of avoiding an imposition of urban design on unwilling inhabitants as such projects through contemporary history have proven disastrous. She states that:

⁴⁰ See DELEUZE & GUATTARI’S KAFKA, *supra* note 29, at 26. Here, the authors assert: “There is nothing that is major or revolutionary except the minor. To hate all languages of masters.” More directly, if all military insurgence based on revolutionary grounds against the local dominant culture is typified as an act of international terrorism, it is no longer a viable form of territorial, regional revolution.

⁴¹ ELLIN, *supra* note 13, at 219. As quoted, Paul Ricoeur has stated the dilemma as: “We have the feeling that this single world civilization at the same time exerts a sort of attrition or wearing away at the expense of the cultural resources which have made the great civilizations of the past. This threat is expressed, among other disturbing effects, by the spreading before our eyes of a mediocre civilization... It seems as if mankind, by approaching *en masse* a basic consumer culture, were also stopped *en masse* at a subcultural level... There is the paradox: How to become modern and to return to the sources; how to revive an old dormant civilization and take part in universal civilization.”

⁴² *Id.* at 258.

Like anyone else, architects and planners may engage in struggles for social change, but through political means, not urban design, unless they are experimenting on themselves.⁴³

Taken together, here she is stating a great deal in terms of the innovation of urbanism and architecture. First, she is clearly stating that fundamental, perhaps even paradigmatic, changes are necessary in the manner architectural practice is conducted on a global scale. But, as a second point, if an architect is designing for someone outside their own community, the designer must employ established, normative design practices or defer to traditional politics for urban-scale social innovation. As a caveat, she explains that there is an alternative, yet limited manner in which to express the “struggle for social change” in design execution. She asserts that the architect must conduct such urban-scale experiments within the architect’s own community. In other words, the architect should only conduct their own formal expression of social innovation amongst like-minded, willing inhabitants.

Assuming, as outlined above, that the once diverse multitude of dominant cultural forms is now blindly uniting under an imperative of global modernization, the breadth of variety in the very nature of architectural expression is logically declining. As variety decreases, the opportunities to recombine existing normative forms for the designer also decreases, continuing to push the role of the architect from an historic position as spatial generator, into the increasingly realized role of servile facilitator.⁴⁴

As a profession built on the collective will to create, this condition is not a healthy one for the career designer. For those that have actually practiced in recent years within the walls of an architectural office, the role of facilitator is largely the core business in terms of billable time and services rendered for the client. Unfortunately, this trend has not and will not attract the talent the profession has enjoyed through human history. Perhaps of greater disappointment, this trend is a severe disservice in terms of the growing demand for innovative urban design as the world’s population continues to move to and reside in urban environments.⁴⁵

So as to avert this grand disservice on a global scale, attempts at social innovation in design should be sought amongst like-minded, willing inhabitants. Such experiments could allow architects the opportunity to create those reflexive, critical, humanistic and radical approaches against the spreading of our already mediocre civilization. In fact, it is the premise of this paper

⁴³ *Id.* at 225.

⁴⁴ *Id.* at 156.

⁴⁵ See *Urban Trends: Urbanization and Economic Growth*, UN HABITAT, (Mar. 18, 2010) <<http://www.unhabitat.org/documents/SOWC10/R7.pdf>>.

that these experiments have already been underway for some time, and can be identified and improved upon based on the framework of a minor architecture.

A.2. PROBLEM STATEMENT

As the variants of the dominant culture homogenize under the auspices of security and economic globalization, criticism of any single local dominant culture is increasingly applicable on a larger, global scale. This ever greater applicability of critical discourse to local conditions has an enhanced validity in the built environment, whereby criticism of urban modernization has a direct relationship to the nuisance and inevitable disenfranchising tendency of innovation as it is applied to populations who engender *extra*-modern values of community.

In the face of such a drastic deprivation of power, select communities facing total disenfranchisement have reacted by critically producing their own built environment within the framework of the dominant culture. In doing so, these communal actors attempt to subvert the dominant power dynamic in favor of the minority community's political desire. As a new type of urban design, these politically charged installations of the built environment are created by minority communities employing urban-architectural forms to express minor architecture.

Although expressions of minor architecture via the urban-architectural form have been vaguely outlined in a rhetorical sense by a handful of architectural writers, an outright study of qualitative methods to identify, explain and understand real-world expressions of such are absent from contemporary architectural discourse. More importantly, as today there is no qualitative process for researching this form of the built environment, consequently there has been no method for teaching, designing or improving minor architecture as a legitimate form of expression in the language of urbanism. With the expansion of global modernization, this oversight serves as a grave injustice to both the scholar and practitioner.

Minor architecture as expressed with the urban-architectural form has the potential to act as both the toxin and cure to continued modernization for disenfranchised communities.⁴⁶ More importantly, it serves as a great generator of appropriate design invention for the practicing architect in an era of mainstream globalization.⁴⁷ Nearly every urban theorist, architectural historian, and cultural professional has unanimously prescribed a form of critical or reflexive design practice so as to avoid the perpetuation of the ills of global modernization. In spite of this

⁴⁶ See Somol, *supra* note 12, at 786.

⁴⁷ See DELEUZE & GUATTARI'S KAFKA, *supra* note 29, at 20. See also Somol, *supra* note 12, at 790.

widespread anecdotal prescription,⁴⁸ the literature, awareness or even knowledge of *any* form of *practiced* critical production is virtually nonexistent.⁴⁹ This dissertation has been written to address this problem, to study and document a practiced form of critical production in architecture.

A.3. LITERATURE REVIEW

Before addressing the available literature on the critical production of architecture, this section first approaches the manner architecture is theoretically examined when conceptualized on an urban scale within the dominant culture. In following, an outline of the limited theoretical and practiced examples of urbanism as political practice is examined. Finally, at the end of this section, the literature that illuminates the referential framework utilized to identify, study, and explain the production of minor architecture with the urban-architectural form is discussed.

A.3.1. Methods of Urban Design and Research within the Dominant Culture

Contemporary development on an urban scale is largely a product of the discipline that is assigned as lead agency in execution. Lacking a universal discipline in developing what results in urban space, there also lacks a direct academic counterpart established in the sciences, planning, design, law or engineering. Instead, each discipline independently covers a portion of what results in development on the urban scale, regardless of the intended community or its impact of nuisance in implementation.

A.3.1.1. The Silos of Contemporary Urban Space Production

Those who have worked in city government or planning know the term “silos.” Due to the technocratic nature of urban space production within the global dominant culture, the conventional wisdom of urban planning and design is that each discipline is secluded from all other disciplines when addressing changes in the built environment. For instance, engineers are only concerned with structural and civil issues while ambivalent to the impacts their designs have on historic properties; in contrast, planners are concerned with population density but

⁴⁸ See ELLIN, *supra* note 13, at 258. See also DIANE GHIRARDO, ARCHITECTURE AFTER MODERNISM, 26-7 (1996); See KENNETH FRAMPTON, MODERN ARCHITECTURE: A CRITICAL HISTORY, 8, 342 (Third Ed., 1997); See JENCKS, *supra* note 24, at 263-4; See ROSS KING, EMANCIPATING SPACE: GEOGRAPHY, ARCHITECTURE AND URBAN DESIGN, 247-8 (1996). All are well respected, authoritative scholars who have called for a critical discourse in production of the built environment, but have largely been without in finding illustrative forms of such an appropriate practice.

⁴⁹ At best, GHIRARDO'S ARCHITECTURE AFTER MODERNISM, *supra* note 48, has outlined a handful of potentially critical projects in urbanism and architecture. In spite of such evidence, by her own analysis, for the most part each of the projects falls short as illustrative models for critical production.

ambivalent to species habitat encroachment as a byproduct of urban sprawl. Within the silos, urban space production is addressed per discipline as each discipline employs its own professional technique for development. Following are the major disciplines and their professional techniques for producing urban space:

A.3.1.1.1. Planners & Engineers

By far those with the greatest influence in contemporary urban space planning are planners and engineers. Working generally under a police authority to both accommodate private property needs and protect for the safety of property owners, these disciplines enforce a body of codes emanating usually from a local jurisdiction as prescribed by greater federal or central authority.

Building codes per se that include established engineering standards are generally written and enforced in protection of the public safety. On the other hand, zoning and land use statutes have their historic and ideological basis in nuisance law.⁵⁰ The tort of nuisance dates back to the 16th century, but today is generally defined as an unreasonable interference with a property owner's use of their own land.⁵¹ In 1926, the U.S. Supreme Court upheld the constitutionality of zoning as an appropriate use of the police power, leading the way for this style of urban, modern development.⁵²

Assuming a municipality is given the basic power to zone by state law, there are only six main purposes for which the police power can be authorized by the local zoning code. In general, zoning is allowed as a police power due to the basic communal motivation to exclude harmful uses from the community.⁵³ The six main purposes for zoning include the (1) conserving and maintaining property values, (2) stabilizing and homogenizing of areas of the community in accord with a comprehensive plan, (3) limitation of density of population, (4) aesthetics of the community, (5) control of architecture, and (6) the creation and maintenance of historic districts.⁵⁴

Although planning authority largely resides in the use and avoidance of nuisance by individual landowners, transportation – especially individual motor vehicles – came to overrun planning

⁵⁰ OSBORNE M. REYNOLDS JR., *LOCAL GOVERNMENT LAW*, 411 (Second Ed., 2001).

⁵¹ FINDLEY & FARBER, *supra* note 26, at 290.

⁵² *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 47 S.Ct. 114, 71 L.Ed. 303 (1926). *See also* REYNOLDS, *supra* note 50, at 414.

⁵³ REYNOLDS, *supra* note 50, at 422.

⁵⁴ *Id.* at 422 – 453.

prerogatives by the 1920s.⁵⁵ Mass motorization dominated major American cities by 1926, a fact that was not only understood by planners but embraced by the discipline.⁵⁶ Robert Moses of New York City⁵⁷ and Edmund Bacon of Philadelphia⁵⁸ are heroes of this planning for motorization movement that largely reshaped and now paradigmatically control the contemporary city and its urban spaces.

As a reaction to the dominance of motorization in contemporary urban spaces, a pair of West Coast planners re-introduced the concept of the transit-village as *transit oriented development* [hereafter “TOD”].⁵⁹ In order to combat car and suburban dominance, TOD advocates higher density uses oriented upon a linear rail system.⁶⁰ The components of TOD include a walkable design with pedestrian uses as highest priority, the train station as the prominent feature of the town center, a mixed-use regional node, collector support transit systems and other modes of daily transportation systems.⁶¹ Although TOD literature and design advances as an alternative to normal contemporary planning, it is still a single discipline-based planning initiative centered on the transportation type (rail) as the unifying characteristic of development innovation.

A.3.1.1.2. Historians

In the same manner that planners received official authorization to plan by zoning with the Supreme Court’s 1926 Euclid case⁶², architectural historians and preservation activists found official authorization for their intentions in the Penn. Central Transportation Co. et al. v. New York City Co. et al. of 1978,⁶³ verifying the constitutionality of the recently legislated National Historic Preservation Act [hereafter “NHPA”] of 1966.⁶⁴

The NHPA allows for the creation of historic districts that identify a group of buildings, properties or sites that are either historically or architectural significant. Determinations as to the significance of such districts are undertaken by State Historic Preservation Officers [hereafter “SHPO”] as dictated by Section 106 of the NHPA. Section 106 is generally a mandate to identify

⁵⁵ REYNOLDS, *supra* note 50, at 477.

⁵⁶ *Id.*

⁵⁷ *Id.* at 478.

⁵⁸ See EDMOND BACON, DESIGN OF CITIES (1976).

⁵⁹ *H-Net Reviews in the Humanities & Social Sciences* (Sept. 27, 2009) <<http://www.marthabianco.com/transitvillages.pdf>>.

⁶⁰ *Id.*

⁶¹ *Transit Oriented Development* (visited Sept. 21, 2009) <<http://www.transitorienteddevelopment.org>>.

⁶² See *Village of Euclid*, 272 U.S. 365 (1926).

⁶³ *Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978).

⁶⁴ ROBERT STIPE, A RICHER HERITAGE: HISTORIC PRESERVATION IN THE TWENTY-FIRST CENTURY, 15, (Robert Stipe ed., 2003).

historic properties potentially affected by changes in the built environment. After identification, the act requires an assessment that includes methods to avoid, minimize or mitigate any adverse affects on historic properties.⁶⁵ If the historic property is a group of buildings, sites or properties, an historic district can be created to protect and manage the properties together in concert.

As was discussed before, historic districts can be protected under a zoning ordinance as the local government sees fit.⁶⁶ If zoning is not undertaken, subsidized programs can effectively create an incentive to protect historic properties from other economically driven development. A third manner in which to protect or manage these districts is to utilize a Certified Local Government [hereafter “CLG”] program to work with state and federal programs in preservation activities. In order to maintain a CLG, the local government must establish a historic preservation ordinance, a preservation review commission, and an active local survey program.⁶⁷

As it concerns the urban-architectural form, historic districts pose potential insights for enabling cohesiveness and continuity in a community’s search for a minor, critical expression. Historic districts are largely reflexive in nature, acting as amelioration to the threat of overwhelming modernization in a local area. Historic districts can be experienced as reminders of past attempts at urban-architectural forms, preserving the ‘writing’ of the built environment of the past, be it a single building or a group of buildings that happen to have an architectural synthesis of a bygone era. On a positive note, these districts can also enable a redefinition of contemporary urban space, effectively responding to economically incentivized modernization with strong development standards.

As in the case of the *Internationale Bauaustellugn*⁶⁸ discussed later in this literature review, the preservationist movement brewing in West Berlin prior to the fall of the Berlin Wall was more than nostalgia for the past. There, the actions, planning and design agenda manifest into an overt statement as to the direction of the city’s built environment, dictating that development follow a collective will of overt pluralism for the community’s future. In this manner, historic preservation is a powerful catalyst for alternative development.

⁶⁵ *Id.* at 47.

⁶⁶ See REYNOLDS, *supra* note 50, at 444 – 5.

⁶⁷ *Community Preservation Program* (Sept. 27, 2009) <<http://www.state.il.us/hpa/ps/community.htm>>.

⁶⁸ GHIRARDO, *supra* note 48, at 108.

A.3.1.1.3. Lawyers & Economists

Lawyers and economists, as disciplines, lack the design and planning experience to become active protagonists in urban space production without the aid of other design professionals. Instead they act as actors aiding in the initiation and evaluation of urban space production impacts. Both disciplines in their own right can provide a check-valve for the equity of pending community modernization. Environmental justice claims are brought by attorneys sensitive to environmental risk at a local level. Economists are largely responsible for encapsulating the value of harms suffered with the inevitable local rupture caused by modernization.

A.3.1.1.4. Scientists

Environmental scientists study how the parts of nature and human societies operate and interact.⁶⁹ Concerned primarily with the connections and interactions between human civilization and natural processes, science as a discipline has its greatest impact within the theoretical realm of ecology when promoting or reacting to urban modernization.⁷⁰ Ecology is generally broken up into five major levels: organism, population (animal), community, ecosystem and ecosphere.⁷¹ When called to action, the scientific community focuses on the natural scale of the habitat, the watershed, or the ecosystem when evaluating the impacts of urban space development.⁷²

Although many watersheds are organized on a voluntary basis, natural management as it legally impacts urban space production has its source in Habitat Conservation Plans [hereafter “HCP”].⁷³ The HCP is a regulatory mechanism impacting urban space production in contemporary modernization. HCPs were legislatively created under Section 10 of the Endangered Species Act as a manner in which to manage the takings of endangered species with development. With the HCP, limits as to takings, area coverage, and habitat conditions are deliberated between the acting agent and the scientific community with the authority to approve the HCP. Much like historic districts under the NHPA, HCPs are simply an ameliorative mechanism to the overall impacts of global modernization on a local, jurisdictional basis. Since

⁶⁹ G. TYLER MILLER, JR., *SUSTAINING THE EARTH*, 18 (Third Ed., 1998).

⁷⁰ *Id.* at 18-19.

⁷¹ *Id.* at 19.

⁷² *Id.* at 19.

⁷³ *U.S. Fish & Wildlife Service: Habitat Conservation Plans* (Sept. 27, 2009) <http://www.fws.gov/Endangered/pdfs/HCP/HCP_Incidental_Take.pdf>.

management of the ecosystem as a whole is not completely defined by the scientific discipline, I discuss ecosystem management later in this proposal.⁷⁴

A.3.1.1.5. Architects

Architects and landscape architects largely represent private interests in the development of the private property abutting or adjacent to public urban space. When it is to the benefit of private commercial interests, architects design public urban spaces as it concerns shopping malls, rows (outdoor malls), promenades and other like projects. As for public spaces, architects are increasingly involved in the design of roadway projects, civic places, college campuses, and other like public or pseudo-public urban space.

Instances of community-wide architectural design are not rare although unusual, and have occurred in such places including The Woodlands of Houston, Texas; Turtle Creek of Dallas, Texas; and the Docklands, London, UK; Celebration and Seaside, Florida; and Lake Las Vegas, Nevada to name a few. In general practice, architects publish a master plan for the designated area for a client, creating design limitations and guidelines on the built environment to accommodate a generalized expectation of the uses and demeanor of the changes under advisement.

The design discipline has as well become the major proponent in green design with the United States Green Building Council's [hereafter "USGBC"] Leadership in Energy and Environmental Design [hereafter "LEED"] initiative. The USGBC is a non-profit organization that has created a checklist of conditions for creating a certified "green" building, assuring the public that the building is a positive contributor to sustainable design within the community. 'Greenness' is designated at different variables of LEED Certification, starting at simply LEED Certified, then advancing to Silver, Gold or a Platinum rating.

While TOD has been deemed an appropriate response to the problems of urban space blight offered by the planning discipline, architects have promoted New Urbanism as a healthy stylistic approach to urban communal expression. As mentioned earlier, the Florida cities of Seaside and Celebration were early prototypes of this urban space organization tool. Touted as a revival of the "lost art of place-making", the literature regarding New Urbanism explains that the

⁷⁴ SAMUEL DAVID BRODY, ECOSYSTEM PLANNING IN FLORDIA: SOLVING REGIONAL PROBLEMS THROUGH LOCAL DECISION-MAKING, 2 (2008).

movement is an attempt at aggressively re-ordering contemporary communities into a form of “completeness” as they have been for centuries in the past around the world.⁷⁵

The principles of New Urbanism are intended to be multi-scalar from single buildings to entire communities include walkability, connectivity, mixed-use design, mixed housing types, an expectation of quality architecture, traditional neighborhood structure, increased density, smart transportation, sustainability to be summed up for a high quality of life. New Urbanism is largely appreciated today as an effective amelioration for the normative undervaluation of urban spaces under global modernization. Not only is New Urbanism touted as a beneficial adjustment to the manner in which designers approach the interstitial spaces between properties and existing easements, it has begun to permeate local zoning ordinances as a manner in which to control architecture and avoid nuisance.⁷⁶

A.3.1.2. Trends Away From the Silos of Contemporary Urban Space

In spite of the silos as explained, there are trends in favor of an interdisciplinary approach to changes made to the environment, built or otherwise. At the local, regional, and federal level in the United States, these trends find their impetus originating from a multitude of disciplines.



FIGURE 1. R Street Corridor

A.3.1.2.1. MATRIX Community Development

MATRIX is one of the many pilot programs initiated in cities like Portland, Oregon, and Sacramento, California, to attempt a streamlined, interdisciplinary approach to urban space

⁷⁵ *New Urbanism* (Sept. 27, 2009) <<http://www.newurbanism.org/>>.

⁷⁶ *Id.*

development.⁷⁷ From the initiation to completion of every public and private project, a MATRIX team of designers, planners, scientists, engineers, attorneys and life safety experts are involved in the phased design, approval, inspection and occupancy within the city's jurisdiction.

Emanating from the planning community, this multi-disciplinary technique has been especially helpful in finding common ground in and around historical properties. Further, the professional framework has been instrumental in creating solutions for logistically difficult building scenarios such as the R Street Corridor in Sacramento, California. The R Street Corridor introduces mixed-use development, an historic district and particularly difficult building conditions all into one district of the greater Sacramento community (*See* **FIGURE 1**).⁷⁸ MATRIX teams have proven instrumental in creating the negotiation structure for development, creating a local-level synergy in realizing collective experimental initiatives undertaken in response to underdevelopment blight.⁷⁹

A.3.1.2.2. Ecosystem Management

After many individual HCPs were largely unsuccessful in the effort to replenish the health of endangered species populations, the scientific community asserted an alternative to the HCP with ecosystem management. Unlike the HCP which is written and executed on a per endangered species basis as required by the Endangered Species Act, ecosystem management recognizes that a broader ecological health is necessary to maintain the health of each individual species population. After identifying ecosystem threats, a multi-disciplinary approach is undertaken to plan, mitigate and alter the course of modernization in favor of overall ecological health within the bounds of the plan. Ecosystem management further represents a departure from traditional management approaches by addressing human concerns *within* the complex interaction of biotic and a-biotic components defined by a given land or sea ecological unit.⁸⁰

Ecosystem management is today developing a substantial body of academic representation. Unfortunately, specific ecosystem management plans have been quite slow in development and execution on a national (much less international) scale in spite of the overwhelming consensus of their appropriateness for habitat health and rehabilitation.

⁷⁷ *MATRIX Community Development, Sacramento, California*, City of Sacramento, California (Sept. 27, 2009) <<http://www.cityofsacramento.org/dsd/reference/matrix/>>.

⁷⁸ *R Street Corridor, City of Sacramento, California* (Sept. 27, 2009) <<http://www.rstreet.info/>>.

⁷⁹ *Id.*

⁸⁰ *See* BRODY, *supra* note 74, at 2.

A.3.1.2.3. National Environmental Policy Act

In 1969, Ian McHarg published his seminal treatise *DESIGN WITH NATURE* incorporating landscape architecture principles for development in consideration of ecological limitations. Soon after, a mounting realization of the devastation caused by unchecked human development led to the passage of the U.S. National Environmental Policy Act [hereafter “NEPA”], a statute modeled on the prescribed methods advocated by Professor McHarg.⁸¹

Outright written as a procedural mechanism for evaluating proposed changes to the environment, NEPA requires federal agencies to take a systematic, interdisciplinary approach to agency decision making and permitting.⁸² As written, this purpose was paramount to ensure the integrated use of the natural sciences, social sciences, and environmental design arts in defining the appropriate method of proposed communal change.⁸³ Although NEPA is limited to federal actions, many states have their own form of NEPA at the state level to ensure both federal and state actions are undertaken with ecological sensitivity and sophistication. These states and regions include California, Connecticut, District of Columbia, Georgia, Guam, Hawaii, Indiana, Maryland, Massachusetts, Minnesota, Montana, Lake Tahoe Basin (Nevada/California), New Jersey, New York, North Carolina, Puerto Rico, South Dakota, Virginia, Washington, and Wisconsin.⁸⁴

As NEPA-based documentation, study and design is carried out, this innovative procedural tool allows for the flexibility to create ecosystem management plans and MATRIX-oriented bodies in consideration of the proposed changes. In essence, the NEPA framework affords decision-makers a sophisticated opportunity to focus communal intentions into a pragmatic, functional and representative manifestation of urban space production.

A.3.2. Urbanism as Expression of a Political Will

The primary aim of the literature review is to focus the topic of inquiry. The following literature directly applies to the employment of urbanism for the execution of a political will by a specific community, executed with the development of an urban-architectural form. Most applicable are the highly documented urban-architectural forms of Haussmann’s *grands travaux* in Paris of the

⁸¹ RONALD BASS, ALBERT HERSON & KENNETH BOGDAN, *THE NEPA BOOK: A STEP-BY-STEP GUIDE ON HOW TO COMPLY WITH THE NATIONAL ENVIRONMENTAL POLICY ACT*, 5 (Second Ed., 2001).

⁸² *Id.*

⁸³ *Id.*


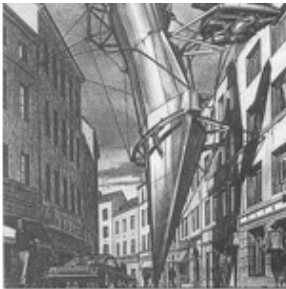

⁸⁴ *State Environmental Planning Information*, United States Department of Energy (Sept. 27, 2009) <<http://ceq.hss.doe.gov/nepa/regs/states/states.cfm>>.

mid-19th century, and Berlin’s International Building Exhibition of 1987 undertaken from 1977 until 1989. Theoretically, the work of three writers illuminates the range of possible responses from existing scholarship on negotiating equity in the design of the built environment as it concerns modernization. These writers include Kenneth Frampton, Lebbeus Woods, and R.E. Somol. Each writer articulates a unique design tactic in efforts to respond to the politics and nuisance of urban innovation by the dominant culture.

A.3.2.1. Urbanism as Expression of a Political Will

From Paris to Berlin, the urban-architectural form has been used in the politicalization of a “modern” built environment (*See* **TABLE 2**). This contemporary political expression via urbanism is best exemplified with the Parisian *grand travaux* of the mid-19th Century. Paris’s wholesale urban renovation was conducted outright as an expression of the power of the dominant culture in modernization of the capital of France during the reign of Napoleon III. At the end of this section, an altogether different political message was expressed in Berlin’s Internationale Bauaustellugn (IBA) of 1987. Whereas here, the urban-architectural form that was driven and defined by internal minority voices in terms of finding a *Berlin as it could be*, as every effort was made to negotiate a meaningful urban form for the plurality.

TABLE 2. Theoretical Approaches to Negotiate Equity with Architectural Design

<div>    </div>			
Theoretical Basis of Design	Critical Regionalism	Freespace w/in Heterarchy	Minor Architecture
Chief Proponent of Theory	Kenneth Frampton	Lebbeus Woods	R.E. Somol
Example of Theoretical Application	Work of Tadao Ando & Jorn Utzon	Renderings Provided w/ Literature	Lockhart, Texas; Work of John Hejduk

A.3.2.1.1. *Baron Georges-Eugene Haussmann's Paris*

Beginning in 1853, Haussmann reconstructed Paris from the subterranean to the skyline all the while redefining the modern city on a global scale (See **FIGURE 2**). Reacting to the urban and environmental nuisances of water pollution, poor sewer capacity, insufficient open space for cemeteries and parks, squalid housing, and congested circulation, Haussmann endeavored to 'to give unity and transform into an operative whole the Parisian agglomerate.' Undertaking his unified design and with the authority of Napoleon III, Haussmann coordinated 85 miles of new boulevards, standardized residential planning still in effect today, enhanced ventilation, allowed space for new cemeteries, new parks, and installed a modernized sewer and fresh water system.⁸⁵ This model of *the* global city is still the most relevant and appropriated form worldwide. Further, it is significant in that nuisances of modernization were pro-actively accounted for in the very design of the city's innovations. That is, except the nuisance of purposeful political gentrification.



FIGURE 2. Haussmann's *Paris*

A.3.2.1.2. *Kenneth Frampton's Critical Regionalism*

Frampton is largely considered the preeminent architectural historian as it concerns the Modern Movement. Building upon his own solid foundation of historical discourse, he has expressly favored modern architects who practice what he has defined as critical regionalism. Such architects include the likes of Jorn Utzon, Tadao Ando, and J.A. Coderch; all of whom aspire to retain some degree of cultural, economic or political independence all the while performing

⁸⁵ See FRAMPTON'S MODERN ARCHITECTURE, *supra* note 48, at 24.

under a universalizing paradigm in Modernism. Important to Frampton is this attempted balance between a rooted local culture and the growing rational uniformity in the architectural language itself.⁸⁶

This variety of theory assumes that the local culture being overtaken (or outright erased) by development should entrust all power of execution to the universalizing protagonist, or in terms of the architect, their “modern” agent. According to this variety, a good modern architect can be trusted to embed a resultant building with a legible cross-fertilization of vernacular forms and methods. This theory is a top-down method of acknowledging the minority in the power dynamic of the dominant culture’s form of modernization. Put another way, control of the rationalization is still under the complete purview of the dominant culture in execution, though Frampton suggests that minority knowledge as per local placemaking should be considered in final application. Frampton proposes (expects?) responsible designers establish their own critical (minority-sensitive) understanding of modernization, even as modernism is itself the designer’s primary form of expression.⁸⁷

Another notable theoretician in this category who warrants mention is Hassan Fathy. In his deliberate exercise of modernist humanity, *ARCHITECTURE FOR THE POOR* reads like a journal of the Egyptian architect’s expectations, practices and results as he tried to convert a village of grave robbers into some other form of legitimate profession simply thru an improvement of the built environment.⁸⁸ Fathy, in spite of his failure at converting the residents away from thievery,⁸⁹ took great measure to successfully employ scientific methods in the construction of vernacular buildings with local techniques and composition.⁹⁰ These efforts of employing living, locally-rooted techniques with scientific specificity lies beyond Frampton’s theoretical prescription, but nonetheless is notable as an attempt to balance the dominant culture’s rationality against a minority culture’s basis of appropriate urbanism. This theoretical position is one that has largely been tested in both practice and design over the past half-century, contributing to the global investment in the power of a universal dominant culture.

⁸⁶ *Id.* at 314.

⁸⁷ *Id.* at 315. Here, Frampton discusses the need for a “self-consciously cultivated” “regard for regional culture.”

⁸⁸ See HASSAN FATHY, *ARCHITECTURE FOR THE POOR: AN EXPERIMENT IN RURAL EGYPT*, 15 (1973).

⁸⁹ GHIRARDO, *supra* note 48, at 14 – 5.

⁹⁰ *Id.* at 23.

A.3.2.1.3. *Lebbeus Woods's* ANARCHITECTURE: Architecture is a Political Act

Woods from the outset acknowledges in his groundbreaking book *ANARCHITECTURE: ARCHITECTURE IS A POLITICAL ACT* the institutional nature of design as it concerns the built environment:

No one wants to discuss the relationship between architecture and politics. ... They [architects] believe themselves to be creators, or innovators, when in actuality they are nothing more nor less than the executors of a physical and social order designed by those institutions presently holding political authority and power.⁹¹

He continues by describing his own design and theoretical intentions as a demonstration of projects that “propose new social structures, implemented by new urban forms and architectures, intended to be realized within existing cities.”⁹² Here, Woods explicitly intends to subvert the dominant culture by literally re-inventing the very architecture of the city in favor of the post-liberal autonomous individual.

Unfortunately, for those of us who anxiously await the realization of Woods’s full scale architectural designs, each project’s revolutionary nature poses great hurdles in both cost and structural integrity. Today, his work resides largely in contemporary museums and in films such as *12 MONKEYS* (1995) directed by Terry Gilliam. Currently housed as artifacts of high art, Woods’s writing and design illustrations are largely beyond the grasp or collective cognition of the politically disenfranchised.

Woods’s work envisions a future whereby the utmost liberalization has occurred. His work endorses crossing a cultural threshold beyond current liberal theory. He envisions that once total state hegemony has been realized, individual liberty will push even further beyond the expected condition of liberalism where there are no barriers between the individual and the State, but rather, to a point whereby the individual *is* the State.⁹³ This theoretical presumption is well beyond any identifiable, testable urban condition within contemporary design today, therefore, it is beyond the scope of this dissertation.

⁹¹ WOODS, *supra* note 11, at 8-9.

⁹² *Id.* at 9.

⁹³ *Id.* at 18. Here, Woods asserts that “the nation-state of the future is the individual human being.”

A.3.2.1.4. *R.E. Somol's One or Several Masters?*

Written primarily as a validation of John Hejduk's architectural legacy, Somol introduces the concept of a minor urbanism in explaining Hejduk's design and research endeavors. The basis of this theoretical position originates from an article Hejduk himself co-wrote about Lockhart, Texas. Lockhart is a timeless county courthouse town about an hour's drive from Austin, Texas. In describing the political potency of Lockhart's downtown, Hejduk demonstrates that the "detail emerges as the understudy of the city, and the suspicion arises that urbanism amounts to warfare conducted by other means."⁹⁴

Building upon Hejduk's suspicion, Somol defines and elaborates on a theoretical framework of minor urbanism on the writing of Gilles Deleuze and Felix Guattari, specifically their 1986 book *KAFKA: TOWARD A MINOR LITERATURE*.⁹⁵ Analogically applying the Deleuzian model of minor literature to urbanism, Somol rhetorically prescribes a newfound medieval⁹⁶ form of urban design, manifested as urban-architectural forms that actually reinstall barriers between the individual and the State.⁹⁷ In other words, the minority designer is encouraged by this theoretical apparatus to advance an anti-liberal reflex so as to reestablish the collective endeavor, the community, and the urban form in concert as a political agent in defense of those politically disenfranchised.⁹⁸

Somol in writing this article has produced a bridge between Deleuze and Guattari's "minor" scholarship and an emergent form of politically framed urban-architectural design conducted for the sake of rectifying social injustice. In application of this framework for identifying minor architecture, an opportunity can be seized to research and understand the critical production of the built environment from within the dominant culture. As such, this is the theoretical framework that shall be advanced in the remainder of the dissertation.

⁹⁴ *Id.* at 785. This note is itself referenced according to an understanding of the 'minor' in an urban setting. The comment outlines that cinema is a form of *other* war, establishing a connection between the city and cinema both of whom exist as lesser forms or reflections of war.

⁹⁵ Somol, *supra* note 12, at 789.

⁹⁶ *Id.* Directly quoted, Somol states that "Rowe and Hejduk associated Lockhart and other Texas courthouse towns with French *bastides* (medieval towns built for defensive purposes) and credited them with presenting 'minor triumphs of urbanity.'" See also HILDEGRAND FREY, *DESIGNING THE CITY: TOWARDS A MORE SUSTAINABLE FORM*, 28 (1999). Frey likens his sustainable compact city as a newfound medieval form, "whereby there exists a concentration of activities in a highly dense city with clean and abrupt edges to the countryside, usually in the form of a town wall." In reviewing the idea of the "medieval urban form" there is a commonality of the concentration of specific communal activity along with the wall – be it physical or political – that divides these communal activities from the overall liberal political system as expressed by the dominant culture.

⁹⁷ *Id.* at 791.

⁹⁸ *Id.* at 794.

A.3.2.1.5. *Kleihues & Siedler's Internationale Bauausstellung of 1987*

In 1977, Josef Paul Kleihues and Wolf Jobst Siedler proposed an exhibition to engage Berlin's historic fabric, its social problems, and the economic status of its depressed areas with a combination of *Neubau* (new building) and *Altbau* (rehabilitation).⁹⁹ The planning and architectural design sought multiple “*models* for civilization,” emphasizing the polycentric character of West Berlin and the distinctive nature of its different sections.¹⁰⁰ The exhibition became a city-wide project over multiple decades that attempted a series of urban-architectural forms. By the time of the final of the exhibition in 1998, the Berlin Wall was an artifact of history, the city was reunified, and the exhibition provided an administrative model for weaving together public funds, public interest, private development, and some of the most prominent architects in the world (See **FIGURE 3**).



FIGURE 3. Daniel Libeskind's *Jewish Museum Berlin*

In terms of the minority influence in the city, the story of the IBA has an arc regarding its installation like no other. The exhibition began as an opportunity to inject a series of residential and business towers¹⁰¹ much like Le Corbusier's plans for central Paris in 1925.¹⁰² Near revolt

⁹⁹ GHIRARDO, *supra* note 48, at 108.

¹⁰⁰ *Id.* at 109-111.

¹⁰¹ *Id.* at 108.

ensued and a minority community of squatters persuasively convinced those keen on preserving the urban fabric of Berlin that the traditional 'hof' building plans should be retained in the new work of the exhibition. Further, newly developed blocks were to be designed so as to address the serious social, urban, and economic flaws of West Berlin.¹⁰³ Most important of these problems were the two most obvious ones: the existence of the bifurcating Berlin Wall and the voided Jewish culture within the city.

These problems were actively pursued by the best existing and emerging architects of the time under an overt theme of theoretical pluralism. The pre-World War II urban fabric was reconstructed with beautiful examples of postmodern architecture, purposefully inviting East Berliners to end the Cold War at its symbolic heart on the perimeter of the Berlin Wall. Further, a breathtaking masterpiece of contemporary architecture was installed by a Jewish Polish-American, Daniel Libeskind. This being his first realized expression of architecture, the project was laboriously reviewed over nearly 12 years and refined between the local West Berlin building authorities, the sponsors of the cultural center, and the architect himself. The Jewish Museum Berlin resulted from such labors, a building that was purposefully left empty for years for tours in reverence to the beauty of its final form. More importantly, this manifestation of the built environment opened the door to Berlin's most purposefully disenfranchised minority, actively allowing the rehabilitation of the Jewish culture in the city.

Another important aspect of the IBA of 1987 is that it features two works by John Hejduk, the "hinge figure" identified by R.E. Somol in defining a contemporary form of a minor urbanism.¹⁰⁴ Commenting on his own imperative to design within a rich historic fabric, he found he could neither produce something new nor copy in a historicist or modern manner.¹⁰⁵ Instead, faced with the impossibility, he turned to the concept of a minor practice, one that reverberates within a "cramped space that forces each individual intrigue to connect immediately to politics."¹⁰⁶ Asserting the role of a minor practice in creating the built environment, Hejduk seemingly felt comfortable building in West Berlin in 1987, arguably the most politically cramped space known in history as the Cold War was coming to an abrupt and unexpected end. In following, his work serves as an inspiration to undertake a theoretical framework to research and document the possibility of an existing form of practiced critical architecture.

¹⁰² See FRAMPTON'S MODERN ARCHITECTURE, *supra* note 48, at 155.

¹⁰³ GHIRARDO, *supra* note 48, at 108.

¹⁰⁴ Somol, *supra* note 12, at 796.

¹⁰⁵ *Id.* at 789.

¹⁰⁶ *Id.* at 790.

A.3.3. Framework for a Minor Architecture

By focusing on Hejduk's design nominalism, Somol suggests that John Hejduk was pushing architectural professionals from their current practice of a "semiotic critique" of modernism into a "direct practice of institutional projection."¹⁰⁷ Somol outlines how this institutional projection can be theoretically carried out in a method of reinvigorating the polis with a post-liberal, minor practice of urbanism.¹⁰⁸

As discussed earlier, this post-liberal concept has at least two different outcomes. According to ANARCHITECTURE, Woods advocates a hyper-atomization, whereby the individual human *becomes* the state. In contrast, Somol's "minor" suggestion implies a post-liberal return to medieval forms, employing a communal, pluralistic approach to urbanism. Frampton, although advocating a self-critical form of modern design practice, has also expressed his own preference for a post-liberal, medieval form of regional accountability in professional association.¹⁰⁹

Frampton's prescriptive want for a post-liberal, in-between form of professional design body to maintain a "certain sense of regional identity" is expressed in his Epilogue for STUDIES IN TECTONIC CULTURE.¹¹⁰ Here he discusses the necessity of the *collegio*, a local 'guild' created to maintain a high standard of architectural quality and regional identity against the deleterious effect of the continued "global commodification" of the architectural form.¹¹¹ Clearly, Frampton worries of the negative impact of maximizing capitalist exploitation of the built environment, and his preference for an independent collective between the individual and State is implicit in the function of the *collegio*.¹¹²

Revisiting PURE WAR, Virilio is like Frampton as he seems split between two visions of a post-liberal society. Although he foresees the hyper-atomization as Woods predicts,¹¹³ he also continues to advocate for the traditional (walled, medieval) pre-liberal functions of the city to slow time and human movement.¹¹⁴ Most importantly, he advocates a newfound discourse to reflect on technology's role in human communities as innovation continues to develop at a rapid,

¹⁰⁷ *Id.* at 796.

¹⁰⁸ *Id.*

¹⁰⁹ KENNETH FRAMPTON, STUDIES IN TECTONIC CULTURE: THE POETICS OF CONSTRUCTION IN NINETEENTH AND TWENTIETH CENTURY ARCHITECTURE, 378 (2001).

¹¹⁰ *Id.*

¹¹¹ *Id.* at 377-8.

¹¹² *Id.* at 378.

¹¹³ VIRILIO, *supra* note 3, at 120-1.

¹¹⁴ *Id.* at 138-9.

paradigmatically redefining pace.¹¹⁵ Even though Virilio expresses no utilitarian belief in turning back from innovation, he does advocate a role for a post-liberal *slowing* of the adoption of technology, and most importantly, a continued place for politics in architecture.¹¹⁶

Architectural researchers are faced with a call by professional theorists for a form of intermediary criticism embedded within the actual production of the built environment, but find very little in the way of any practiced illustration by such theorists. Somol, at the very least, has endorsed a theoretical connection to Deleuze and Guattari's work on the critical production of literature. This connection is extremely fruitful, as the defining elements of a minor practice in writing can apply directly to architectural production as it concerns the urban-architectural form.

A.4. OUTLINE OF RESEARCH PROGRAM

So as to test the Deleuzean literary framework analogically applied to the built environment, six potential urban-architectural forms have been selected, evaluated and reported upon in terms of their appropriate characterization as minor architecture. Exploiting Somol's theoretical bridge from literature to urbanism, cases have been chosen to test each linguistic category identified in Deleuze and Guattari's *Kafka* treatise. The categories identified include vernacular, vehicular, referential and mythic; each potentially instructing designers as to the method and urban form necessary for political enunciation. Two additional cases have been evaluated so as to test the potential of urban forms realized in cinema according to the Deleuzean tenants of minor production. As each of the six cases exemplifies a unique nuisance endemic to global modernization, a narrative approach has been taken so as to connect events, ruptures and reactions undertaken by each studied community.

Cases are sequenced for best legibility by the reader, exploring real reactive possibilities against experienced marginalization. The four real property cases include the Gangchen Kyishong, the Dharamsalan village housing the Tibetan Government-in-Exile in Dharamsala, India; the Stack site of the Student Bonfire in Robertson County, Texas; the Isla Vista Recreation and Park District that lies adjacent to the main campus of the University of California, Santa Barbara; and the Emergent Cannabis Community of Arcata, California. The first of the two cinematic cases includes "Bartertown," a fictional post-apocalyptic community located in a man-made crater just outside Sydney, Australia, created for the film MAD MAX BEYOND THUNDERDOME. The second cinematic case concerns the "House on Paper Street," a fictional anarcho-primitivist

¹¹⁵ *Id.* at 147-8.

¹¹⁶ *Id.* at 217.

headquarters built in Wilmington, California, for theatrical employment by the protagonists of the film FIGHT CLUB. As the cinematic cases present contrasting reactions to the opportunity embedded in a post-liberal reactive possibility, these cases bookend the real-world sequence of case analysis. As a result, the sequence of case analysis follows the following pattern: (1) Bartertown, (2) Tibetan Government-in-Exile, (3) Student Bonfire, (4) Isla Vista Recreation and Park District, (5) Emergent Cannabis Community of Arcata, and (6) House on Paper Street.

A.4.1. Bartertown

The first cinematic case analyzed is Bartertown, taken from the film MAD MAX BEYOND THUNDERDOME (1985). This case exemplifies a pre-analysis research expectation for minor architecture as it portrays a community cobbled together of entrepreneurial survivors on a post-apocalyptic landscape. Bartertown was built from scratch in a former brick yard that had been abandoned just outside Sydney. Today, the address of the former Bartertown set is The Brickpit, Sydney Olympic Park, Sydney 2127, New South Wales, Australia.

Bartertown is a closed site covering 1.60 acres (69,803 square feet). Based on the number of people that can physically fit on the Thunderdome structure, approximately 330 individuals could live in the community at any one time.¹¹⁷ As embedded in the very name of the cinematic community, Bartertown is an attempted political redefinition of the given post-apocalyptic landscape employing a vehicular category of linguistic expression. As a product of a potential peak oil doomsday, the resultant urban-architectural form realized for collective survival appears to fail to meet the characteristics of minor production as the strongest survive only to exploit those in dire need of the remaining resources.

A.4.2. Tibetan Government-In-Exile

The village housing the official Tibetan Government-in-Exile is Gangchen Kyishong, Dharamsala, Himachal Pradesh, India. The cluster of sturdy, clean buildings employed for Tibetan nationalism lies a few miles north (uphill) of the Dharamsala city center, and approximately a half-mile south (downhill) from the original Tibetan outpost of McLeod Ganj, another village within Dharamsala's city limits. The Tibetan Government-in-Exile began its

¹¹⁷ This community population was taken by finding the surface area of the Thunderdome itself and dividing it by the approximate surface area of one individual from the community. The surface area of the Thunderdome was found with the equation $A = 4\pi r^2$, as since only half a sphere makes up the Thunderdome(T), the $\text{Area}(T) = (4\pi r^2)/2$. As the $r=25'$, $\text{Area}(T) = [(4)(3.14)(25')^2]/2 = 7,854/2 = 3,927$ sq.ft. I assumed each Bartertown resident was 2' wide and 6' tall, in essence a 12 sq.ft. per person. As the $\text{Area}(T)/\text{area per person} = 3,927/12 = 330$, this is the assumed total population of Bartertown.

operation in McLeod Ganj in late April 1960 under the advisement of the Indian Government so as to begin a long process of communal rehabilitation. There, the Central Tibetan Administration was born and its district bounds grew to an area of 9.7 acres (422,943 square feet) housing an approximate population of 825 Tibetans.¹¹⁸

Since the People's Republic of China has enforced a dominant national position over what is now the Tibetan Autonomous Region, the indigenous cultural authorities have reacted with their own vehicular linguistic expression in their exiled urban development in Dharamsala, India. In other words, the former religious rulers of the Tibetan plateau have attempted a commanding redefinition of their own refugee encampments so as to assert an independent political codification of national identity for the Tibetan as separate from Chinese authority. Here, as this loyal faction has followed the guidance and prudence of the 14th Dalai Lama, the Tibetan Government-in-Exile may have proven that the politics of a community can truly merge with their given built environment.

A.4.3. Student Bonfire

As the Aggie Bonfire collapse of November 18, 1999, produced a wave of litigation, cultural rehabilitation, and administrative negotiation between those who wished to continue the enterprise and those rightfully opposed to such an endeavor, a unique design paradox emerged without clear collective direction. In 2005, a committed group of Aggie Bonfire enthusiasts created a non-profit corporation to rehabilitate and continue the century-old tradition off-campus. Although this group has continued the tradition in either Robertson or Brazos Counties of Texas over the years, today the Student Bonfire is located on the illegible border between the two counties. Existing without an address in a rural no-man's land endemic of Central Texas, the Bonfire Stack is now built off the Old Hearne Road precisely located simply by its geospatial coordinates: 30.744319, -96.475444.

¹¹⁸ The community population is estimated based on the gross square footage of district housing divided by the average gross square footage of urban floor space in India. Based on calculations determined from the on-site survey of November 2009, a gross housing area of 96,582 square feet within the Central Tibetan Administration's district boundary was found. Just outside the district boundary on the east side of the Gangchen Kyishong village, there is a dense residential neighborhood located on the Central Tibetan Administration's property which is not included within the Central Tibetan Administration's "Little Lhasa" district development. Based on an article published by THE TIMES OF INDIA, on average, urban Indian housing square footage amounts to 117 square feet per person. By dividing the 96,582 square foot gross housing area by 117 square feet per person, it can be extrapolated that an approximate population of 825 residents resides in the village. See Atul Thakur, *33% of Indians live in less space than US prisoners*, Times of India (Nov. 25, 2008) <http://timesofindia.indiatimes.com/33_of_Indians_live_in_less_space_than_US_prisoners/articleshow/3753189.cms>.

As recent as 2009, Student Bonfire had over 1,500 participants in “Cut” and “Stack,” formal events that entail first the harvest of live trees and thereafter, the assemblage of such harvested rough lumber according to contemporary engineering plans.¹¹⁹ It is estimated that over 8,000 spectators attended Student Bonfire’s “Burn” event in 2005¹²⁰, but such a census is most likely an under-approximation as the number of “Burn” participation has increased over the years. Today, spectator numbers are usually limited by available parking space near the burn site rather than communal interest. As the hour for lighting the Bonfire approaches just after dark, cars are turned away due to the lack of space for parking on the site and surrounding county roads.¹²¹

The current Student Bonfire “Stack” and “Burn” site has an area of 43.9 acres (1,912,145 square feet) and is led by 13 student leaders: four Senior Redpots, four Junior Redpots and five Brownpots. Exemplifying that “There’s a spirit can ne’er be told...” the built language of the Student Bonfire is an apparatus of an annual spiritual expression of “effervescence”, an event that admits the individual to a “sacred, intersubjective, social world of the group.”¹²² In other words, the built environment created by the volunteers of Student Bonfire expresses a mythic linguistic category, one that potentially proves a non-profit approach to minor architecture.

A.4.4. Isla Vista Recreation & Park District

Isla Vista, California, is an unincorporated beach community surrounded on three sides by the University of California, Santa Barbara, and on the fourth side, the Pacific Ocean. Within the roughly 1/2-mile square community there reside an estimated 22,751 Isla Vistans, 82% of which are between 18 and 24 years of age.¹²³ Although the County of Santa Barbara has estimated the size of the community at 320 acres, my own analysis of the Isla Vista Recreation & Park District’s purview measures at 344.5 acres (15,003,739 square feet).

In spite of (or due to) the unincorporated nature of this youthful beach community, the Isla Vista Recreation & Park District was formed by election in 1972 as a less threatening alternative to actual cityhood.¹²⁴ The special district is still to this day the only local government jurisdiction specifically representative of the population intentionally exiled by both the profiteering off-site

¹¹⁹ See *About Student Bonfire*, STUDENT BONFIRE (2011)

<http://www.studentbonfire.com/about_student_bonfire.html>.

¹²⁰ See Sonia Moghe, *Off-campus bonfire: Safety is key at bonfire site*, THE BATTALION (Sep. 17, 2005)

<<http://www.thebatt.com/2.8485/off-campus-bonfire-1.1196519?compArticle=yes>>.

¹²¹ Personal Interview with Jeremy Stark, Public Relation’s Junior Red Pot of *Student Bonfire* (Fall 2008).

¹²² Jonathan M. Smith, *The Texas Aggie Bonfire: A Conservative Reading of Regional Narrative, Traditional Practices, and a Paradoxical Place*, 97 ANN. OF THE ASS. OF AMERICAN GEOGRAPHERS 1, 183 at 188.

¹²³ *Isla Vista Fact Sheet*, U.S. CENSUS BUREAU, 2005-2009 American Community Survey 5-Year Estimates (2009).

¹²⁴ CHRISTINA ZIEGLER-McPHERSON, MORE THAN JUST PARKS, 1972 – 1998, Ch. 2–Pg. 2, (Revised Report, Sept. 1999).

property owners and the surrounding university institution.¹²⁵ Progressively developing the remaining open space within the District's boundaries as parks of cultural significance, the Recreation & Park designers have endeavored with measureable success to redefine the student ghetto with a vernacular linguistic expression of urbanism.

A.4.5. Emergent Cannabis Community of Arcata

Arcata, California, is a small college town of Humboldt County serving as the intellectual nexus and cultural heart for this environmentally sensitive "Lost Coast" of Northern California. Arcata has a population of 17,014 residents,¹²⁶ spread over an area of 5,424 acres. The city endeavors to act as a civil model of environmental stewardship with its own pristine community forest, a wetland-based sewage treatment system, an abolition of all genetically modified foods within the city limits, and most important for this study, a pioneering local permitting system for medicinal marijuana production and distribution.

Once medicinal marijuana became legalized in California in 1996 with the passage of Proposition 215, Arcata's own civil leadership took dramatic steps to embrace this gray market opportunity to develop sustainable marijuana commerce. Early on, appointment-only clinics signified the nation's first successful attempts at legally dispensing cannabis, employing non-profit organizational structures that today are fundamental to the California dispensary model.¹²⁷ Today, the pot industry is undeniably the lifeblood of Arcata's commerce. Located within a 65.5 acre (2,852,469 square feet) sphere of commercial influence, this small community supports four dispensaries, two head shops, two large-scale hydroponic-specific specialty stores, and a hydroponic manufacturing facility. As the referential linguistic category of the built environment is concerned with conveying a particular "sense and of cultures", here, the redefinition of Arcata's land use code signifies the boundaries of a unique political zone openly defying the federal mandate of cannabis criminalization.

¹²⁵ *Id.* at Ch. 1-Pg.8.

¹²⁶ *Arcata Fact Sheet*, U.S. CENSUS BUREAU, 2005-2009 American Community Survey 5-Year Estimates (2009).

¹²⁷ A dispensary was opened as early as 1994 in San Francisco prior to passage of Proposition 215, but the bombastic tactics employed by the operators invited enforcement from state and federal drug agents, closing the facility relatively quickly after opening. In Arcata, the dispensaries opened with greater caution and, relatively, with greater long term success. See Michael McCabe, *State Raids Marijuana – Hunt for Evidence of Nonmedical Sales*, SAN FRANCISCO CHRONICLE (August 5, 1996). See also Marianne Constantinou & Gregory Lewis, *"I'm giving up," says pot club founder – Peron concedes defeat after deputies padlock longest-running center in state*, SAN FRANCISCO CHRONICLE (May 26, 1998).

A.4.6. House on Paper Street

The second cinematic case evaluated is the “House on Paper Street,” taken from the film *FIGHT CLUB* (1999) directed by David Fincher. This film was adapted from a book of the same name, written by Chuck Palahniuk and published in 1996. The book’s architectural subject is located in Wilmington, Delaware; to be exact, a dilapidated house located at 5123 NE Paper Street, Wilmington, DE 19886.¹²⁸ Ironically, although Wilmington was never mentioned in the film, the “House on Paper Street” was built as an expressly dilapidated Victorian home in Wilmington on a parcel of 1.25 acres. Wilmington, *California*, that is.

Southern California’s Wilmington is a small community within the growing breadth of the Port of Los Angeles. This house, indicative of its character in both the book and film, embodies the built language of non-lethal self-destruction and prescribed pain for the characters as they reject their own consumerist tendencies. Eventually, the “House on Paper Street” becomes a living part of Project Mayhem, a 73 member community of punkish revolutionaries.¹²⁹ The focus of the *FIGHT CLUB* story is one of cultural malaise in terms of the inevitable success of globalization. In reaction, the story’s characters employ a vernacular linguistic expression against global commerce, providing a harrowing fable regarding the impacts of inequity unaddressed in contemporary capitalism.

A.4.7. Potential Model of Post-Liberal Environmental Equity

Six diverse cases have been evaluated and tested so as build a research foundation for the study of Somol’s suggested theoretical course for defining forms for a post-liberal society (*See* **TABLE 3**). As each case uniquely addresses independent issues of environmental injustice, a general method of minor architectural design potentially emerges for the studied professional. So as to fully evaluate the analogical application of minor literature for the built environment, all four categories of linguistic expression defined by Deleuze and Guattari are represented including the vehicular, vernacular, mythic and the referential. Here, two further cases have been selected from cinematic sources so as to investigate the validity of this short-term form of the built environment (the cinematic stage set) and its potential in expressing a critical political perspective in response to globalization. Greatly varying in size, population, political bearing

¹²⁸ CHUCK PALAHNIUK, *FIGHT CLUB*, 160 (1996).

¹²⁹ This population of the Project Mayhem community is based on the book version of *FIGHT CLUB*, whereby Tyler Durden’s plans to build 72 bunk beds is outlined. Combining these 72 bunk beds in the basement with the lodging provided the story’s narrator and his love interest, the “House on Paper Street” is a mixed-use vessel that boasts 74 members of the Project Mayhem community. *See* PALAHNIUK’S *FIGHT CLUB*, *supra* note 128, at 126-7.

and geographic conditions, these cases allow for a generalized evaluation of the tested hypothesis in close following of the Deleuzean model for minor production.

TABLE 3. Case Study Summation

Case Study	Nuisance	Linguistic Category	Location	Population	Area (acres)	Year of Creation
Bartertown	Scarcity (Peak Oil)	Vehicular	Sydney, New South Wales, Australia	330	1.6	1985
Tibetan Government-in-Exile	Oppression	Vehicular	Dharamsala, Himachal Pradesh, India	825	9.7	1960
Student Bonfire	Relevance	Mythic	Robertson County, Texas	1,500	43.9	2005
Isla Vista Recreation & Park District	Exploitation	Vernacular	Isla Vista, California	22,751	344.5	1972
Emergent Cannabis Community of Arcata	Neglect	Referential	Arcata, California	17,014	65.5	1996
House on Paper Street	Consumerism	Vernacular	Wilmington, California	74	1.25	1999

B. THEORETICAL APPROACH TO A MINOR ARCHITECTURE

Before a bridge can become plausible between Deleuze & Guattari's minor literary framework and the critical development of an urban-scale built environment, an assumption must be made as to the *language* or *writing* of architecture as a cultural expression. Among a multitude of post-World War II architectural theorists, John Hejduk openly advocated this aspect of environmental design in his own work, both with scholarship and realized buildings.¹³⁰ In fact, this assumption of architecture as a form of cultural writing is fundamental in the study of any political discourse as expressed in urbanism.

B.1. URBANISM AS THE WRITING OF ARCHITECTURE

Historically, this appreciation of the *writing of architecture* was a major breakthrough for the postmodern movement, advancing beyond the monastic belief upheld by Modernism that all architecture had strictly a utilitarian, rational relationship to liberal social aims.¹³¹ This practiced assumption of architectural linguistic meaning ushered in a host of theoretical innovations, including a legitimized historical preservation movement,¹³² a newfound relationship between urban forms and environmental stewardship,¹³³ and most importantly, an appreciation for the representation of power by architectural forms.¹³⁴

Robert Somol, in his article *One or Several Masters?* re-contemporizing Hejduk's work, approached Hejduk's work assuming the reader has adopted this direct relationship between the built form of the city and a three-dimensional language of the local culture. In his paper and without intermediate explanation, he jumps from one paragraph discussing Hejduk's urban-architectural scholarship, to the next characterizing the elements of a minor *literature*.¹³⁵ But, in this assumption lies the very foundation for bridging Deleuze and Guattari's minor literature framework and Somol's attempted redemption of Hejduk's architectural scholarship. Here, Somol is arguing for a retrofit of Hejduk's mid-20th century writing regarding American

¹³⁰ See Somol, *supra* note 12, at 786.

¹³¹ See KING, *supra* note 48, at 134.

¹³² *Id.* at 138 -40. See also STIPE, *supra* note 64, 10 - 15.

¹³³ *Id.* at 138.

¹³⁴ *Id.* at 138-9. Here it is quoted that "Jonathan Raban saw the vitality of the city less as the expression of *activities*, as insisted upon by Jacobs, than as *expression itself*— as images and signs for society of individuals, increasingly isolated, and defining themselves through precisely such images and signs."

¹³⁵ See Somol, *supra* note 12, at 789.

urbanism as a beginning point for a contemporary movement of post-liberal/neo-medieval critical architectural production.

B.1.1. Minor In Production, Not Origin

In spite of his aims, there is a muddling in Somol's work that blurs the differentiation between application of Deleuze and Guattari's specific "minor literature," and a less specific generalization of a minor urbanism already established in architectural theory. Somol's muddling is most likely not of his own fault, but rather, the result of an interpretation of Hejduk's own writing on the matter. So as to outline a clear theoretical base for this research, it is imperative to distill between the two types of minor urbanism discussed in *One or Several Masters?*

Today, there exist two distinguishable varieties of *minor* production in terms of the urban-architectural form. The first, more fundamental variety is described by Paul Virilio in his book *PURE WAR*:

There are two great schools of thought on urban planning: for one, the origins of the crystallization of the city, of urban sedentariness is mercantilism; for the other – the minor one, with Philip Toynbee – it's war, commerce only coming afterward. Obviously I find myself with the minority, which claims that the city is the result of war, at least the preparation for war.¹³⁶

Of this variety, writers have developed an alternative, non-capitalist basis for urban planning tracing an *other* genesis of city development, that being an original genesis in war and its preparation. Again, this 'origination' stance of the city is that which makes it a *minor* urbanism, not the process of any sort of continuing political expression in relation to the dominant culture.

The second variety, the one which is the basis of the following work, was developed by Deleuze and Guattari in terms of the minor production of literature. At its theoretical foundation is a collective imperative to produce meaningful literature in spite of the political 'impossibility' to do so.¹³⁷ Hejduk advances his own version of this by inventing an additional layer of extra-legal subjectivity in his work, produced to highlight difference so as to slow and punctuate the politics of liberalism.¹³⁸ Although Hejduk and Somol both flippantly support Virilio's minor basis of urbanism as a product developed for warfare, siege, and the bastide; at the heart of both Somol's

¹³⁶ VIRILIO, *supra* note 3, at 19.

¹³⁷ See Somol, *supra* note 12, at 789.

¹³⁸ *Id.* at 789-90.

and Hejduk's work is an acute attention to the design process of urban-scale architecture as an expression of Deleuze and Guattari's variety of *minor* politics. This basic favoritism of politics over 'origination' is clear from the language taken from the article co-wrote by Hejduk and quoted at length by Somol in regard to the city Lockhart, Texas:

This is a town dedicated to an idea, and its scheme is neither fortuitous nor whimsical. The theme of centralized courthouse square is – or should be – a banal one. And it is in fact one of great power... Here it is that the law which assumes public significance; and it is around the secular image of the law, like architectural illustrations of a political principle, that these towns revolve. In each case the courthouse is both visual focus and social guarantee; and in each square the reality of government made formally explicit provides the continuing assurance of order... Urbanistic phenomena they palpably are, but they are also the emblems of a political theory. A purely architectural experience of their squares is therefore never possible. Within these enclosures the observer can never disentangle his aesthetic response from his reaction as a social animal.¹³⁹

As Hejduk stated in 1975 that his "first real shift in his work was political,"¹⁴⁰ it is apparent that his transition to political writing as integrated into the design of the built environment was already conscious in 1957 when the Lockhart article was published. In his published work, his few built projects, and the interpretation given of his work by his own contemporaries, it is clear that the type of "minor" Professor Hejduk advocated in terms of post-liberal design theory is a political one rather than one based on a military narrative of the city's origins.

B.1.2. What Is a Minor Literature?

Like Hejduk's design prescription, a minor literature is a political, collective, revolutionary, and even spatial exercise that actively deterritorializes one terrain as it maps another.¹⁴¹ Further, as defined by Deleuze and Guattari, "only expression gives us the *method*."¹⁴² Whereas, a "minor literature doesn't come from a minor language; it is rather that which a minority constructs within a major language" as a political, collective proclamation against the paradigm of the dominant culture.¹⁴³

There are three characteristics of a minor literature. First, the major language is affected with a high coefficient of deterritorialization, that being a process of voiding the political potency of the

¹³⁹ Colin Rowe & John Hejduk, *Lockhart, Texas*, ARCHITECTURAL RECORD at 202-203 (March 1957).

¹⁴⁰ Somol, *supra* note 12, at 787.

¹⁴¹ See Jana Evans Braziel, *Deleuze and Guattari: Notes on Towards a New Literature*, 2 (Oct. 25, 2010) <<http://www.umass.edu/complit/aclanet/janadele.htm>>.

¹⁴² DELEUZE & GUATTARI'S KAFKA, *supra* note 29, at 16.

¹⁴³ *Id.*

major language's territorial influence.¹⁴⁴ Second, everything written in the expression is political by direct literary exercise of the author.¹⁴⁵ Put another way, the expression itself connects the individual reader directly to a political immediacy as advocated by the author and their disenfranchised community.¹⁴⁶ Finally, everything written in the expression takes on a collective value,¹⁴⁷ one that is a common enunciation for the marginalized population it represents in the attempted power reconfiguration (reterritorialization) of the major language.¹⁴⁸

Once this process of deterritorialization has been applied to the major language by minor expression, a "territory" has thereby been subverted and de-coded, denying the major language its potential to oppress the marginalized population. Usually due to the power vacuum created, there immediately begins some form of communal reterritorialization. Reterritorialization is a process by which the decoded territory can now be re-coded under an alternative language structure. Alternatively, there is also the opportunity for a multiplicity of language forms, whereby no single language structure commands the territory as the major language did previously. Regardless of the range of reterritorialization after minority subversion, from non-power multiplicity to the complete usurpation of power, there exist a great variety of language types for the communal "overcoding" of a territory. Even so, all languages available for communal expression as per the territory at issue can be categorized into four linguistic forms.

B.1.3. The Four Languages of the Tetralinguistic Model

As Deleuze and Guattari have demonstrated a *politics* of literary writing, they have adopted a framework of language that counteracts the simple "'informational' myth" of writing.¹⁴⁹ In so doing, they adopt the tetralinguistic model of language categorization, whereby any given language functions in an accounting of social factors, relations of force, and diverse centers of power.¹⁵⁰ This four category delineation of linguistics allows for an appropriate reading of the power of language in transmission of orders, exercise of power, and more importantly, the instances of resistance to such power.¹⁵¹ The resultant tetralinguistic model is delineated by function:¹⁵²

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *Id.* at 18.

¹⁴⁷ *Id.* at 16.

¹⁴⁸ *Id.* at 18.

¹⁴⁹ *Id.* at 23. Briefly, this 'informational myth' is one by which language is assumed to simply convey information and is devoid of political power of any cultural preference.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² See Brazier, *supra* note 141, at 2-3.

vernacular, maternal, or territorial language, used in rural communities or rural in its origins; a vehicular, urban, governmental, even worldwide language, a language of businesses, commercial exchange, bureaucratic transmission, and so on, a language of the first sort of deterritorialization; referential language, language of sense and of culture, entailing a cultural reterritorialization; mythic language, on the horizon of cultures, caught up a spiritual or religious reterritorialization. The spatiotemporal categories of these languages differ sharply: vernacular language is *here*; vehicular language is *everywhere*; referential language is *over there*; mythic language is *beyond*.¹⁵³

By way of demonstration with the complete body of written work by Franz Kafka, Deleuze and Guattari outline the alternative languages Kafka used to express his unique cultural politics. As a Czech Jew forced to write in German due to Imperial dominance, Kafka (according to Deleuze and Guattari) sought at the margins of the dominant language for a unique space of expression. This fringe space of the major language afforded Kafka new territory for his sort of pointed and inventive writing. In other words, he wrote in German in such a way so as to subvert its dominant power and express the politics of his minority status. Therefore, German was the *vehicular* language he employed in writing a minor literature.

Second, after attempting to void the major language of its political power, he actively asserted an alternative political paradigm with select employment of the other three categories of linguistic form. In terms of a *vernacular* language, he used the native language of his home in Prague: Czech. Due to his status as a member of the Jewish faith, he employed Hebrew as his *mythic* language. And finally, as a nomadic form of an already hybridized and regional German, he used Yiddish for his *referential* language.¹⁵⁴

These four categories can also directly apply to a linguistic categorization of the built environment (See **TABLE 4**). Within contemporary urban forms, the tetralinguistic *vernacular-vehicular-referential-mythic* system of division and expression of political potency has clear transference. In fact, this division of emphasis has a clear basis in environmental orientation by spatially defining the source, intention and impact of each category as employed. In following, this categorization enables an appropriate ‘reading’ of urban forms, thereby aiding in the demarcation of expressive intensions as it concerns political dominance and minority resistance.

More importantly, as Somol has indicated in his paper on the legacy of Hejduk, this framework for identifying and studying Kafka’s minor literature can also be interpreted so as to

¹⁵³ DELEUZE & GUATTARI’S KAFKA, *supra* note 29, at 23.

¹⁵⁴ *Id.* at 25.

conceptualize the legibility of a minor architecture. As Kafka was reacting against a foreign dominant culture with the foreigner's very own language, he employed strange uses of German to subvert, invent and undermine the power structure embedded in the language itself. In like application to urbanism, minor uses of the language of the built environment in contemporary times could theoretically be used to subvert and invent against the growing cultural dominance of globalization.

TABLE 4. Four Languages of Tetralinguistic Model



Category	Vernacular	Vehicular	Referential	Mythic
Adjectives	maternal, rural in origins, used in rural communities	urban, governmental, global, business, commercial exchange, bureaucratic transmission	sense and of cultures	on the horizon of cultures, spiritual or religious
Spatio-Temporal Category	<i>here</i>	<i>everywhere</i>	<i>over there</i>	<i>beyond</i>
Politics	of origins, territorial	first sort of deterritorialization	cultural reterritorialization	spiritual or religious reterritorialization
Kafka's Language	Czech	German	Yiddish	Hebrew
Built Language Example	Canadian Barn	Downtown Houston	Gruene Dance Hall, Texas	Stonehenge, England

B.2. THE NUISANCE OF GLOBALIZATION

As discussed in the introduction, with innovation and improved technology, there are embedded accidents that are perhaps unknowable, but at the very least unforeseeable in their time of occurrence. As Virilio explained “when they invented the railroad ... at the same time they

invented the railway catastrophe.”¹⁵⁵ In application to global modernization, this ‘accident’ has culminated into the newfound post-9/11 Risk Society.¹⁵⁶ Charles Jencks explains that with globalization, “a host of uncontrollable forces are released by modern development, such as global warming and the hole in the ozone layer.”¹⁵⁷ Further,

More insidious are those mistakes, failures and unintended consequences of modernization. Each one made people doubt the experts, question the politicians, become aware that culture and nature were becoming inextricably linked in unpredictable ways through feedback. ... If one reflects on the list of crises... they are chronic to modernization itself, endemic to advanced economies.¹⁵⁸

Applying this theme of endemic negativity via global modernization within concepts of property law, this widespread ill-defined condition of risk is understood as a nuisance.

nuisance. 1. A condition or situation that interferes with the use or enjoyment of property. Liability might or might not arise from the condition or situation.¹⁵⁹

Pedagogically, equitable claims of nuisance are routinely compared with trespass actions. In order to find redress in terms of a trespass claim, courts require a physical invasion of the rightful user’s property. In contrast, nuisance claims only require intentional, substantial interference with the enjoyment of the rightful user’s property for an appropriate remedy to be granted.

A ‘nuisance’ is a state of affairs. To conduct a nuisance is a tort... The general distinction between a nuisance and a trespass is that the trespass flows from a physical invasion and the nuisance does not.¹⁶⁰

Global modernization is largely embedded in a meta-layer of property law, concerning international and national forms of deregulation, economic stimulus and industrial innovation.¹⁶¹ As the relationships of commerce and global liberalization are applied to local real property conditions, such meta-level reorganization of property creates newfound and previously unforeseen nuisance.¹⁶² This liberalization inherently reconfigures use rights and erodes at those

¹⁵⁵ VIRILIO, *supra* note 3, at 46.

¹⁵⁶ See JENCKS, *supra* note 24, at 263.

¹⁵⁷ *Id.* at 264.

¹⁵⁸ *Id.*

¹⁵⁹ BLACK’S LAW DICTIONARY 1093 (7th ed. 1999). Definition is a quotation from the infamous Village of Euclid v. Amber Realty Co., 272 U.S. 365, 388, 47 S.Ct. 114, 118 (1926), *supra* note 52, which coined the phrase: *A nuisance maybe merely a right thing in the wrong place, like a pig in the parlor instead of the barnyard.*

¹⁶⁰ *Id.* This is specifically quoted from Cunningham, Roger A., et al., *The Law of Property*, 2nd Edition, §7.2, 417, 1993.

¹⁶¹ See HUNTER, SALZMAN & ZAELKE, *supra* note 33, at 67.

¹⁶² See *id.* at 79-80.

informal entitlements that accompany local technological installation.¹⁶³ Such erosion can be simply the introduction of substantial air pollution or noise. Or, the nuisance can include a complete reconfiguration of the ownership rights as applied from an extra-local condition, such as drastic use limitations within a newly created fly-zone of an expanded airport.¹⁶⁴

This concept of territorial reconfiguration is of major interest in the works of Deleuze and Guattari, as it is of primary concern in both treatises *KAFKA* and *A THOUSAND PLATEAUS*. Here, they have created a philosophical term-of-art to embody this concept which is now widely used in critical theory: deterritorialization. Employing this concept, Deleuze and Guattari have acknowledged the impacts of the risk society, providing a systemic philosophical scope for understanding the power relationship between the dominant and minority in terms of globalization.

B.2.1. Deleuze & Guattari's Concept of Deterritorialization

The root word *territory* is broadly employed in Deleuzian philosophy, directly addressing an assumption of 'a sphere or province of action, existence, thought, etc.' as the basis of natural, human and cultural order.¹⁶⁵ Deleuze and Guattari employ a series of prefixes and suffixes, including de- ([1] away from, off *or* [2] down)¹⁶⁶, re- ([1] back, returning to a previous state *or* [2] again, anew, over again)¹⁶⁷, and -ization (the act, process or result of making or doing).¹⁶⁸ Here, an important concept for our study of the dominant culture and globalization is deterritorialization. In *A THOUSAND PLATEAUS*, Deleuze and Guattari explain:

Deterritorialization is the movement by which "one" leaves the territory.¹⁶⁹

Important here is to note that sometimes it is not the inhabitant that has left, but rather, the actual sphere or province that defined that territory has been evacuated. It is actually the province that has evaporated and left the resident behind in a voided, non-space without a

¹⁶³ FINDLEY & FARBER, *supra* note 26, at 290 – 300. The body of contemporary nuisance law outlined in this section frames the constant erosion of the local environment in favor of larger modernization and spatial redefinition as termed by outside dominant forces. Beyond simply a utilitarian balance, this process of modernization refigures the very rights local landowners have in terms of their use of the property, potentially creating a nuisance *per se* in application. *See* *Spur Industries Inc. v. Del E. Webb Development Co.*, 108 Ariz. 178., 494 P.2d 700 (1972).

¹⁶⁴ *Id.* *See also* ROBERT LEAVELL, JEAN LOVE, NELSON GRANT & CANDANCE KOVACIC-FLEISCHER, *EQUITABLE REMEDIES, RESTITUTION AND DAMAGES*, 580-581 (6th ed., 2000). Here a discussion is undertaken as to the relevance of permanent nuisances as they are imposed by public utilities and airports in their indefinite time frame of reconfigured local property rights.

¹⁶⁵ WEBSTER'S NEW WORLD DICTIONARY 1382 (3rd ed., 1988).

¹⁶⁶ *Id.* at 353.

¹⁶⁷ *Id.* at 1116.

¹⁶⁸ *Id.* at 719.

¹⁶⁹ DELEUZE & GUATTARI'S *A THOUSAND PLATEAUS*, *supra* note 22, at 508.

narrative for action, existence or locally logical thought. This non-space is usually filled with a replacement, a different basis of action, existence, and thought.

Deterritorialization may be overlaid by a compensatory reterritorialization... anything can serve as a reterritorialization, in other words, “stand for” the lost territory... Among regimes of signs, the *signifying regime* certainly attains a high level of deterritorialization; but because it simultaneously sets up a whole system of reterritorializations on the signified, and on the signifier itself, it blocks the line of flight, allowing only a negative deterritorialization to persist. ... Another case is when deterritorialization becomes positive – in other words, when it prevails over the reterritorializations... this is the case of the *regime of subjective signs*, with its passionate and consciousness-related deterritorialization, which is positive but only in a relative sense.¹⁷⁰

Again referencing **TABLE 4** above, Deleuze and Guattari have established that the *vehicular* language is the first sort of deterritorialization. As the vehicular linguistic category reflects an urban power influence of commercial and governmental interests, in terms of current globalization, it cannot be denied the deterritorializing impact embedded of relatively recent sweeping international law. In regards to both the formation of the United Nations (1945)¹⁷¹ and the World Trade Organization (1995),¹⁷² both have reterritorialized the geo-political landscape after the two most recent episodes of world-wide deterritorialization, that being the end of the Second World War (1945) and the end of the Cold War (1989). Both have been written, ratified and implemented in favor of newfound international unity, peace and civil resource distribution.

B.2.2. Nuisance of Overcoding by Dominant Culture

In the very preamble of the United Nations Charter, there is direct language of a territorial *overcoding* by the member states so as “to unite our strength to maintain international peace and security and ... to employ international machinery for the promotion of the economic and social advancement of all peoples.” In dignifying “overcoding,” I am referring to the purposeful systemization of meaning and value into a scope that is purported to be universal in application.¹⁷³ Here, by ratifying the Charter of the United Nations, a nation-state is thereby acquiescing to the embedded dominant language. This acquiescence further supports an underlying effort to overcode the remaining non-members in favor of a universal framework of diplomacy, the power of the Security Council, the International Court of Justice, and so on as possible under the dictates of binding international law. The Charter itself creates a narrative of

¹⁷⁰ *Id.* at 508-9.

¹⁷¹ See *History of the United Nations* (Jan. 3, 2011) <<http://www.un.org/aboutun/history.htm>>.

¹⁷² See *WTO, What is the WTO?* (Jan. 3, 2011) <http://www.wto.org/english/thewto_e/whatis_e/whatis_e.htm>.

¹⁷³ See Bruce Caron, *Community, Democracy & Performance, 19 Overcoding, Coding, and Recoding* (Jan. 3, 2011) <<http://junana.com/CDP/corpus/GLOSSARY20.html>>.

international cooperation, defining the terms of appropriate inter-state action via this universalizing code, overwriting the multitude of diplomatic traditions previously recognized on a local or regional scale.

At the time of ratification, the United Nations was composed of 50 member states. Today, becoming a member of the United Nations defines the very legitimacy of the nation-state. In other words, before a nation-state can legitimately *be* a nation, it must first be recognized by the United Nations as a member.¹⁷⁴ Although this is a volunteer organization, due its own significance, the charter has now commanded near universal membership and framed the scope of further globalization in an effort to maintain relative stability. Even though this unity has been constructed for peaceful ends, the U.N. organization has become *the* dominant global source in terms of politics.

Although not specifically critical of the U.N., Deleuze and Guattari are critical in their discourse regarding the power of unity:

There is no mother tongue, only a power takeover by a dominant language within a political multiplicity. ... The notion of unity (*unite*) appears only when there is a power takeover in the multiplicity by the signifier or a corresponding subjectification proceeding... Unity always operates in an empty dimension supplementary to that of the system considered (overcoding).¹⁷⁵

Nearly 900 years prior to the ratification of the Charter of the U.N., an overt expression of power with overcoding was applied against a native people by employing their own language against them. Beginning in the first decade after William the Conqueror's Norman Conquest, the new King purposefully established a two-tier social system resembling that of Roman Britain. There is clear evidence of this overcoding because the power relationship within the language is still practiced today. In fact, this dynamic exists within *the* vehicular language of contemporary times: English.

Purposefully leap-frogging the strata in terms of the sequence of cultural dominance, this re-application of power nullified the indigenous Anglo-Saxon system of fiefdom at the time of

¹⁷⁴ There are 192 members of the United Nations, and there are 195 possible nation-states. These three extra nations include Taiwan, the Vatican, and Kosovo. Kosovo is in the process of membership as the nation was formed only a short time ago. The Vatican is not willing to be a member. And Finally, Taiwan is a state that has been usurped by China since 1979 in its role at the United Nations. Prior to 1979, Taiwan was a member of the United Nations and even held a Security Council position at a previous time. See *Independent States of the World – U.S. Department of State* (Jan. 3, 2011) <<http://www.state.gov/s/inr/rls/4250.htm>>. See also *The Number of Countries in the World* (Jan. 3, 2011) <<http://geography.about.com/cs/countries/a/numbercountries.htm>>.

¹⁷⁵ DELEUZE & GUATTARI'S A THOUSAND PLATEAUS, *supra* note 22, at 7-8.

conquest.¹⁷⁶ In an effort to command continued control of the island, the Normans established themselves as aristocratic rulers and placed the existing Anglo-Saxons, regardless of pre-conquest status, as common people of labor.¹⁷⁷ This Norman/Anglo-Saxon power dichotomy carried out into a duality of language, where French was spoken at court and the native Anglo-Saxon language remained the dialect of the masses.¹⁷⁸ This has led to today's practiced English where there is more than one version of a language expression within the language. Continuing for nearly millennia, these internal mechanisms to parse out the upper and lower classes of English-speaking society are still recognizable by any teenager or member of polite society.

If one focuses on the details of this language-power paradigm, the importance of politics becomes clear. In English, at least one elaborate and socially acceptable term has been derived from Latin, brought to England through France by the Normans [English: *excrement*, French: *excre'ment*, Latin: *excrementum*].¹⁷⁹ And for the same expressive idea, there is usually a shorter word of a Germanic origin that is more direct and indigenous to England prior to 1066 A.D., as it was originally used by the Anglo-Saxons.¹⁸⁰ In fact, the majority of the 'four-letter words' not to be uttered in polite society were of the ordinary usage by the Saxons, overcoded by Normans so as to distinguish proper from the vulgar in all facets of culture [English: (vulgar) *shit*, Old English: *scitan*, German: *scheissen*, Germanic: *skit*].¹⁸¹ Again, English unity was assured, but only in supplement to the multiplicity of non-dominant sub-groups. Also, within this structured unity, designations between power holders and the marginalized were easily distinguished from the outset by the choice in linguistic expression.

Applying the tetralinguistic model to this example, French is the *vehicular* language, as it is that of the government and first order of deterritorialization. Latin is the *mythic* language, as it is the language of the church for the Normans. Finally, the Anglo-Saxon dialect is the *vernacular* language, as it is of the original territory. Viewing language from this perspective, the demarcations of power relationships is clear with a direct spatial orientation.

In terms of the built environment, there perhaps is no better example of this sort of iterative urban scale deterritorialization, reterritorialization and overcoding than that suffered by Berlin over the past century. Berlin has quickly shifted from its historic status as the center of an

¹⁷⁶ STANFORD E. LEHMBERG, THE PEOPLES OF THE BRITISH ISLES, 58 (1992).

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ *Id.* "Excrement" word origins and variations taken from WEBSTER'S NEW WORLD DICTIONARY, *supra* note 165, at 474.

¹⁸⁰ *Id.* "Shit" word origins and variations taken from WEBSTER'S NEW WORLD DICTIONARY, *supra* note 165, at 1239.

¹⁸¹ *Id.*

empire, to the capital of a parliamentary republic, to the nerve-center for one of the greatest atrocities in history, to the city purposefully divided for peace, and now, as the reunified capital of the Federal Republic of Germany. Before each territorial reconfiguration, the status of deterritorialization has seized Berlin in a position of non-space, without a sphere for existence, action or thought. Daniel Libeskind commented on that most recent iteration of Berlin's deterritorialization during the Cold War in this manner:

In those pre-unification days Berlin had its melancholy position in the world. The catastrophe of its history was frozen into an image resembling a frame stuck in a movie projector.¹⁸²

Most special about the Cold War deterritorialization of Berlin is that this political void imposed on the city was a deliberate product of the de facto multi-national dominant culture. With the Yalta Conference in February 1945, Berlin was literally divided into four sectors by the Allied victors.¹⁸³ This "general international organization to maintain peace and security" is the first significant action undertaken by the newly formed United Nations as the Yalta agreement preceded U.N. ratification.¹⁸⁴ Sixteen years later, the Berlin Wall was built, splitting the city, and symbolically the world, into east and west segments. Exasperating the nuisance of the fledgling dominant apparatus upon the city,¹⁸⁵ the literal overcoding by walls, checkpoints and fly-zones was a continued, perpetual deterritorialization of Berlin.

As per the very definition of nuisance, this inert, voided position of the city was for residents a state of affairs that interfered with the very use of her buildings. It was a condition, a situation that did not literally *trespass*, but rather, created an unfair detriment that inherently subverted any enjoyment of the built environment. From 1961 until 1989 a literal manifestation of the dominant politics emerged in the very bricks and mortar of the city. As a microcosm of the dominant culture within one city, this clear overcoding was from its very inception a detrimental nuisance to the Berliner who resided in the void of the world's geo-political stage.

B.2.3. Irreducible Distance from the Primitive Territoriality

Although not quite as severe as Cold War Berlin, Kafka lived and wrote the majority of his work in a Jewish ghetto of Prague unity was imposed from the Austro-Hungarian Monarchy. Although a strong nationalist movement existed during Kafka's early life, the indigenous Czech

¹⁸² DANIEL LIBESKIND, *JEWISH MUSEUM BERLIN: BETWEEN THE LINES*, Preface (1999).

¹⁸³ Crimean (Yalta) Conference, February 4-11, 1945, U.S. – U.K. – U.S.S.R., Section III: Dismemberment of Germany.

¹⁸⁴ *Milestones in United Nations History* (Feb. 5, 1997) <<http://www.un.org/Overview/milesto4.htm>>.

¹⁸⁵ German Senate Chancellery, *The Construction of the Berlin Wall* (Jan. 4, 2011) <<http://www.berlin.de/mauer/geschichte/index.en.html>>.

community did not realize autonomy until near the end of Kafka's life after World War I in late 1918. Regardless, Kafka was a Jewish minority according to the local Czech population, so as the city's political power shifted, the dominant culture shifted from extraterritorial rule to a new home rule still beyond Kafka's communal identity.

In terms of language, this constant communal disconnection from the power strata of Kafka's domicile led to what Deleuze and Guattari define as the "impossibility of writing." Deleuze and Guattari explain the impact of "impossibility" on Kafka's literature:

In this sense, Kafka marks the impasse that bars access to writing for the Jews of Prague and turns their literature into something impossible – the impossibility of not writing, the impossibility of writing in German, the impossibility of writing otherwise. The impossibility of not writing because national consciousness, uncertain or oppressed, necessarily exists by means of literature ("The literary struggle has its real justification at the highest possible levels"). The impossibility of writing other than in German is for the Prague Jews the feeling of an irreducible distance from their primitive Czech territoriality.¹⁸⁶

Kafka, although by all accounts a native of Prague by birth and rearing, is still communally excluded from the majority of the traditionally-rooted Czech masses by his command and rootedness in the German language via his Jewish identity. Further, Kafka is excluded from the community of Germans for the same religious categorization. This exclusionary position, both from the masses and the dominant minority, creates a default position of writing in the vehicular German dialect or nothing else. Kafka's double-minority status voids the German language of its political potency in his favor as German writing simply becomes an empty conduit for the author.

The impossibility of writing in German is the deterritorialization of the German population itself, an oppressive minority that speaks a language cut off from the masses, like a "paper language" or an artificial language; this is all the more true for the Jews who are simultaneously a part of this minority and excluded from it, like "gypsies who have stolen a German child from its crib." In short, Prague German is a deterritorialized language, appropriate for strange and minor uses.¹⁸⁷

Put another way, Kafka's writing exercise from outside the German minority allows no power affiliation with the language. The language itself, according to the masses of the Czech majority, is a language of reterritorialization by a minority dominant culture lacking an origination affiliation in the city. First as an individual with an identity outside the minority German

¹⁸⁶ DELEUZE & GUATTARI'S KAFKA, *supra* note 29, at 16.

¹⁸⁷ *Id.* at 16. During Franz Kafka's life from 1883 until 1924, he primarily resided in Prague while the city was under the rule of the Austro-Hungarian Monarchy until its fall in 1918, at which time Prague transitioned to become the capital of Czechoslovakia after World War I.

population, and second, by employing the language (German) the local masses have a clear disregard for as it is not their indigenous language (Czech), Kafka is afforded great liberty in manipulating, bastardizing, and inventing within the German language for his own ends in writing.

This liberty is one of poverty, not of any sort of open social construction. Kafka is writing within a threshold or border, on the edge of a wasteland of the German language. This is the use of German amongst a population with an open disregard for the minority power that enforces such a power relationship. As recent as 1848, the Czech masses staged a revolution that had very limited success, in that their Czech freedom was won for a matter of days.¹⁸⁸ Kafka's permitted use of German in this manner is evidence of the nature of the nuisance of the overcoding by the dominant power. His disconnection from both the existing dominant power and the indigenous majority has left him in a literary wasteland where there only exists efforts to build a strange body of work from an imposed language paradigm.

Less than a half-century after Kafka's use of the German language, a wasteland of the *built* language existed for strange uses in Berlin. An irreducible distance from the primitive Berlin territoriality was most acute after World War II, as the city itself had not one, but ultimately four masters. Germany's own identity had been united and re-united (overcoded) multiple times in a relatively short span of history. These conditions left the city in such a state of deterritorialization that building something *new* along its streets appeared impossible for the foreseeable future. Questions of the appropriate urban language amassed as the layers of political disarray stacked over the decades. Should construction proceed assuming the permanence of the Berlin Wall? Should construction undertake an erasure of the recent Nazi regime? Should construction undertake an erasure of all German history in Berlin as it was an arguable source to both World Wars? Should Berlin have any opportunity to rebuild as the greatest tragedies of the 20th century had their genesis from this place?

This impossibility of creating an appropriate built language held its urban fabric in a position "resembling a frame stuck in a movie projector." Initially, in 1977, western powers planned to raze the majority of West Berlin and install Modernist towers and office parks, applying the contemporary vehicular architectural linguistic form. Fortunately, the local government's will to undertake this sort of new urban scheme diffused as the local masses wholly rejected such plans. In order to prevent even the preparatory work required, residents temporarily inhabited the old

¹⁸⁸ U.S. Library of Congress, *Revolutions of 1848* (Jan. 5, 2011) <<http://countrystudies.us/czech-republic/14.htm>>.

buildings marked for demolition – most without running water or toilets – so as to save them from erasure.¹⁸⁹

After this failed attempt at razing the decrepit housing stock, the now vacant inner-city blocks continued in a state of ruin. Years later, taking cues from the live-in political demonstration, the empty blocks began to attract newfound residents who also exhibited an irreducible distance to the primitive territory: students and Turkish immigrants.¹⁹⁰ The majority of those that resided in the dilapidated buildings were literal squatters, working in low-wage employment but enjoying the centrality of the neglected housing.¹⁹¹ Although the blocks were extremely difficult to live in, these units allowed a low-cost (free) opportunity to reside walking distance from Berlin's city center where the majority of the cultural institutions, transportation, and social services were still located even after the installation of the Berlin Wall.¹⁹² These students and immigrants, like Kafka in Prague, exemplified the extreme poverty of the architectural language under a dominant power from afar, impossible to erase all the while impossible to rebuild due to an overt and continued deterritorialization of place.

B.3. MINORITY ATTEMPTS AT SELF-HELP

It was only a matter of time before city officials became aware of the inner-city squatters of West Berlin. Intent on creating a new city center filled with respectable citizens, officials continually pushed for the eradication of the illegitimate residents and battles ensued between the squatters and local police.¹⁹³ In the 1970s, these skirmishes were so significant that they made international news headlines.¹⁹⁴ Soon, though, a specific 'respectable' social group realized the squatters had in essence proven the inherent value of the last remaining traditional housing stock and buildings of the city.¹⁹⁵ This group, Berlin's architectural preservationists, took up the cause and intervened on behalf of the inner-city population of students, the poor and foreign minorities.¹⁹⁶ Therefore, these squatters simultaneously illuminated the depths of the poverty of the city's built environment and began the process to remedy that poverty: self-help.

self-help, n. An attempt to redress a perceived wrong by one's own action rather than through the normal legal process. The

¹⁸⁹ GHIRARDO, *supra* note 48, at 109.

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

Uniform Commercial Code and other statutes provide for particular self-help remedies (such as repossession) if the remedy can be executed without breaking the peace. UCC section 9-503 – Also termed self-redress; extrajudicial enforcement.¹⁹⁷

Self-help is a legal term usually given as that which should be avoided in an appropriately functioning legal system. For example, if a landowner is worried about the threat of trespassers and was to lay traps in the event such a trespasser invades, that would be considered a preemptive self-help attempt by the landowner to address the perceived future wrong of a trespasser. This generally is a poor manner in which to allocate justice as a society, since a host of legitimate reasons could be present for an individual to be on the landowner's property without a trespass actually occurring, including but not limited to fire responders or utility servicemen. In spite of the intention of the trap, this self-help remedy can not distinguish between legitimate responders and trespassers, thereby creating an illegitimate system of justice.

But, there are instances that self-help is appropriate so as to encourage greater efficiency of justice. Most frequent are the sorts of self-help actions that include the repossession of a chattel (personal property like an automobile) as per UCC section 9-503. Or, there exist common law self-help allowances for the neighborly maintenance of an overhanging tree that trespasses into another's yard. Although at present there does not exist a self-help doctrine for the renovation of communities with urban-architectural forms, this concept of self-help is telling of the theoretical methods of undertaking a minor architecture based on Deleuze & Guattari's scholarship.

Self-help, where justified, is an empowering conceptual tool for a marginalized community without options. As outside forces have transposed to create "an impossibility" blocking any legitimate or immediate hope for minor expression, the self-help doctrine is a last ray of hope. This legal term of art is an example of a concept within Deleuzian philosophy, the 'line of flight.'¹⁹⁸ Or, as it is phrased in regard to Kafka's work, performing a 'line of escape.'¹⁹⁹ Undertaking a line of escape is "to oppose the oppressed quality of this language to its oppressive quality, to find points of nonculture or underdevelopment, linguistic Third World zones by which a language can escape, an animal enters into things, an assemblage comes into play."²⁰⁰

¹⁹⁷ BLACK'S LAW DICTIONARY, *supra* note 159, at 1364.

¹⁹⁸ DELEUZE & GUATTARI'S A THOUSAND PLATEAUS, *supra* note 22, at 11.

¹⁹⁹ DELEUZE & GUATTARI'S KAFKA, *supra* note 29, at 21. A major difference between A THOUSAND PLATEAUS and KAFKA is that A THOUSAND PLATEAUS employs a top-down explanation of the strata from the dominant perspective. KAFKA is a bottom-up description of the minor, expressing subversion against the dominant from within the strata. Terminology, therefore, is recast between the dominant and the minority according to each book and its perspective.

²⁰⁰ *Id.* at 27.

Deleuzian philosophy dictates that a line of flight is to commit to liberating “expressive material that speaks for itself.”²⁰¹

B.3.1. The Rhizome as a Process of Multiplicity

In terms of the line of escape, Deleuze and Guattari outline that only a rhizomatic approach allows for any possible success. The protagonist must “enter, then, by any point whatsoever; none matters more than another, and no entrance is more privileged even if it seems an impasse, a tight passage, a siphon.”²⁰² As points of nonculture or underdevelopment must be found in order to attempt escape,

A rhizome ceaselessly establishes connections between semiotic chains, organizations of power, and circumstances relative to the arts, sciences, and social struggles.²⁰³ ... A rhizome may be broken, shattered at a given spot, but it will start up again on one of its old lines, or on new lines. You can never get rid of ants because they form an animal rhizome that can rebound time and again after most of it has been destroyed.²⁰⁴

Most importantly, the rhizome naturally empowers a minor protagonist as their intended product “begins by expressing itself and doesn’t conceptualize until afterward.”²⁰⁵ As Kafka wrote in his diaries in 1910: “I do not see the word at all, I invent it.”²⁰⁶ To undertake the line of escape in a minor form “expression must break forms, encourage ruptures and new sprouting. When a form is broken, one must reconstruct the content that will necessarily be a part of the rupture in the order of things.”²⁰⁷ This is important as the minor protagonist must find expression through a re-appropriation of major language forms. The rhizome intrinsically allows for such a process of intentional disassembly and reconstruction in the rebalance of power.

According to Deleuzian concepts, the major alternative to the rhizome is the arborescent system, a system based on the structure of a tree [arbor]. Instead of a linear, multiplying and rupturing process of movement and mapping, the arborescent system is one that builds upon a single point, which thickens and creates a system built one layer upon another.

²⁰¹ *Id.* at 21.

²⁰² *Id.* at 3.

²⁰³ DELEUZE & GUATTARI’S A THOUSAND PLATEAUS, *supra* note 22, at 7.

²⁰⁴ *Id.* at 9.

²⁰⁵ DELEUZE & GUATTARI’S KAFKA, *supra* note 29, at 28.

²⁰⁶ *Id.* at 28.

²⁰⁷ *Id.* at 28.

Arborescent systems are hierarchical systems with centers of significance and subjectification, central automata like organized memories.²⁰⁸

Significant for Deleuze and Guattari is the difference of process for the arborescent system as compared to the rhizomatic. The arborescent only allows a *tracing* of action, a process of continued recommitment to the same points of cultural meaning and significance.

Its [Tracing's] goal is to describe a de facto state, to maintain balance in intersubjective relations... on the basis of an overcoding structure or supporting axis, something that comes ready-made. The tree articulates and hierarchizes tracings; tracings are like the leaves of a tree.²⁰⁹

This description is reminiscent of Thomas Kuhn's definition of the paradigm and its significance in normal science. In fact, 18 years after Kuhn's seminal treatise *THE STRUCTURE OF SCIENTIFIC REVOLUTIONS*, Deleuze and Guattari are reincorporating this inherent relationship between rupture and normative values into their broader philosophical discourse. Kuhn's descriptions of "normal science" and "paradigms" are a bit simpler to understand than an "arborescent system," but in essence, Kuhn is describing the same type of hierarchical cultural system as expressed in science:

'normal science' means research firmly based upon one or more past scientific achievements, achievements that some particular scientific community acknowledges for a time as supplying the foundation for its further practice.²¹⁰ ... I shall henceforth refer to as 'paradigms,' a term that relates closely to 'normal science.' ... Men whose research is based on shared paradigms are committed to the same rules and standards for scientific practice. That commitment and the apparent consensus it produces are prerequisites for normal science, i.e., for the genesis and continuation of a particular research tradition.²¹¹

Further, Kuhn discusses how such a process of normal science will determine its own rules and communal assumptions *per the paradigm* prior to a comprehensive tested discovery of such rules and assumptions.²¹² This, in essence, is a description of Deleuze and Guattari's concept of *tracing* in the arborescent system. Rather than mapping and discovering outside the boundaries of 'normal science,' tracing maintains strict parameters for discovery within and in furtherance of the paradigm accepted by the community, regardless (or even in spite) of evidence that may prove otherwise.²¹³ Further, the arborescent protagonist who is usually employing the same tools

²⁰⁸ DELEUZE & GUATTARI'S *A THOUSAND PLATEAUS*, *supra* note 22, at 16.

²⁰⁹ *Id.* at 12.

²¹⁰ THOMAS KUHN, *THE STRUCTURE OF SCIENTIFIC REVOLUTIONS*, 10 (1962).

²¹¹ *Id.* at 11.

²¹² *Id.* at 45. Unfortunately, an irony is clear in that applying Deleuze and Guttari's *Kafka* framework, this same critique could be generally applied to a study of minor production.

²¹³ *Id.* at 46.

of her predecessors finds best success in her given field by achieving the anticipated in a new way with mathematical puzzles: “the man who succeeds proves himself an expert puzzle-solver.”²¹⁴

Kuhn vilifies this over-indulgence in practiced, puzzle-based scientific exercise. He states: “The really pressing problems, e.g., a cure for cancer or the design of a lasting peace, are often not puzzles at all, largely because they may not have any solution.” Kuhn continues, “One of the things a scientific community acquires with a paradigm is a criterion for choosing problems that, while the paradigm is taken for granted, can be assumed to have solutions.”²¹⁵ Deleuze and Guattari recognize this serious limitation in the arborescent system and apply it to a larger, philosophical scope encompassing all cultural production. The self-fulfilling arborescent system operates under a specific paradigm, a systemic model that inherently anticipates its own problem’s solutions. Users of such a system, be it scientists, writers, or architects operate within such a hierarchy, tracing back and forth the problem, the puzzle, and the predetermined “rational” solution.

Thus, the line of escape away from the self-closing paradigm that avoids normal science, to subvert the very basis of the arborescent system, is found with employment of the rhizomatic process. To invent first, conceptualize after, and repeat continually with further success, movement and failure. Accordingly, this process has a very high potential of failure. But, it is a qualified failure in that with each failure, the movement of process leads to further successes. Without an internalized puzzle, the failures themselves are an embedded precondition to a rhizomatic protagonist’s success. Therefore, the rhizomatic form is employed in multiplicity so as to “enter... by any point whatsoever; none matters more than another”²¹⁶ so long as movement is continued in furtherance of desired invention.

In KAFKA, Deleuze and Guattari discuss at length how Kafka himself carried out a rhizomatic process of writing. As framed by Deleuze and Guattari, Kafka’s hatred for the masters of literature led him to ultimately endeavor to write a novel of a minor (*other*) literature. In order to make a multiple so as to endeavor in a rhizomatic process, he must first “subtract the unique” (*n-1*) from the novel.

A multiple *must be made*, not by always adding a higher dimension, but rather in the simplest of ways, by dint of sobriety, with the number of dimensions one already has available – always *n-1* (the only way the one belongs to the multiple:

²¹⁴ *Id.* at 36.

²¹⁵ *Id.* at 37.

²¹⁶ DELEUZE & GUATTARI’S KAFKA, *supra* note 29, at 3.

always subtracted). Subtract the unique from the multiplicity to be constituted; write at $n-1$ dimensions. A system of this kind could be called a rhizome.²¹⁷

As such, Kafka employs many other lesser forms of writing in formulating his own unique voice. These include a personal diary, letters to lovers, letters to friends, novellas, short stories; these all became part of Kafka's rhizomatic movement into both failure and success. According to Deleuze and Guattari, specifically the letters, the stories and the finished novels (the novel as the *assemblage* discussed later) were most important in his approach to invent the minor novel.²¹⁸

First, in Kafka's writing the "letters are a rhizome, a network, a spider's web."²¹⁹ These letters were for the most part love letters, but love letters of a unique impossibility. They expressed Kafka's impossible desire, first to proclaim physical love for his recipient, but all the while, his determination to avoid any personal proximity to his object of desire.²²⁰ These letters express his intentional "dislocation of souls" via technical invention, whereby with post, the telegraph and the telephone each user allows a "phantom" to pass and exist between the participants. In other words, to undertake intimate communication voided of a natural face to face condition.²²¹ Although this impossibility seems extremely futile in the production of any sort of literature, Deleuze and Guattari explain that these letters express his beginning, his serious *desire* (shoots of the rhizome) to write in spite of the impossible condition he lives in and has he himself created for his own relationships.²²²

Kafka's second component of the writing machine is his production of stories, including his most famous mainstream work, *The Metamorphosis*.²²³ As *The Metamorphosis* is evidence, the majority of the stories have an animalistic essence even if there are no animals in them.²²⁴ Deleuze and Guattari assert that this, as well, is a part of Kafka's machine for writing in that it evidences his search for a way out. Here, Kafka's own line of escape is realized by *becoming* an animal.²²⁵ This absurdist method of taking the subject to the brink of any relatable meaning as a story evidences Kafka's sincere desire to invent, to write, to endeavor seriously in creating *new* literature regardless of the outcomes.²²⁶

²¹⁷ DELEUZE & GUATTARI'S A THOUSAND PLATEAUS, *supra* note 22, at 6.

²¹⁸ DELEUZE & GUATTARI'S KAFKA, *supra* note 29, at 29, 34, 38.

²¹⁹ *Id.* at 29.

²²⁰ *Id.* at 34.

²²¹ *Id.* at 30.

²²² *Id.* at 41.

²²³ *Id.* at 34.

²²⁴ *Id.* at 34.

²²⁵ *Id.*

²²⁶ *Id.* at 35.

Finally, Kafka's third and most important component of the rhizome is the actual product of desired creation: the novel (*n*). Deleuze and Guattari begin by defending a position they hold as true regarding the uniquely special meaning of the novel in terms of literary difference:

...a novel doesn't become a novel, even if it is unfinished, even and especially if it is interminable, unless the machinic indexes organize themselves into a real assemblage that is self-sufficient.²²⁷

This important connection to the *real*/historic, social and political circumstances faced by Kafka in his completed production marks the success of Kafka's work in creating a minor literature. As *The Metamorphosis* is a story of family politics that redefine the protagonists Gregor as a roach, this text (*n-1*) provides only a beginning to a greater, real-world connection to literature. In other words, although *The Metamorphosis* is fruitful in expressing Kafka's search for a line of escape, it is a failure in dealing with the real historic, social and political world outside his home. Therefore, this failure in terms of minor expression requires a new line of escape to reconsider the continuation of Kafka's rhizomatic endeavor.

On the other hand, as a practiced attorney, Kafka finds a successful critical expression in his novel THE TRIAL. According to Deleuze and Guattari, with THE TRIAL Kafka has created an organized machinic index that is self-sufficient and expressive as a real assemblage. In other words, the novel points to real issues of the dominant culture, employing a process of self-created logic within the confines of the major language and literary form. This novel allows Kafka to create a real micro-politics of desire unifying his wish to be a political author while never leaving his own bedroom.²²⁸ Kafka finds an opportunity to invent himself as a "bureaucrat... plugged into real assemblages" all the while believing himself to be a nomad who is fleeing things in the most contemporary way.²²⁹

Important in Kafka's work is his own internalized political discourse both in process and the thing produced. This politics slows ultimate production, allowing both a large number of attempts all the while giving good cause to be extremely prejudicial. In essence Kafka's work as interpreted in the scholarship of Deleuze and Guattari illuminates a process of critical production, a process that is only possible through an overtly *made* rhizomatic expression.

²²⁷ *Id.* at 38.

²²⁸ *Id.* at 42.

²²⁹ *Id.* at 41-2.

B.3.2. Self-Help as Equitable Remedy

Founded on the rhizome, Deleuze and Guattari have identified an alternative method of discovery and cultural production beyond the strict paradigmatic approach as defined by Kuhn. Kuhn is clear about how a normal science that employs the paradigmatic process rarely produces major novelties.²³⁰

Discovery commences with the awareness of anomaly, i.e., with the recognition that nature has somehow violated the paradigm-induced expectations that govern normal science. It then continues with a more or less extended exploration of the area of anomaly. And it closes only when the paradigm theory has been adjusted so that the anomalous has become the expected. Assimilating a new sort of fact demands a more than additive adjustment of theory, and until that adjustment is completed – until the scientist has learned to see nature in a different way – the new fact is not quite a scientific fact at all. ²³¹

As a systemic process of cultural production, be it in politics, science, art, or architecture, the distinction between the paradigmatic and the natural-anomaly is most important to the disenfranchised as they have been found expendable by the paradigmatic approach. Pushed outside the given paradigm, the disenfranchised must pursue the course of the anomaly as it is their only opportunity for self-empowerment. Expressing a desire for enfranchisement, the anomaly exception induces the dominant culture to see a new way of cultured production in their favor. In legal terminology, this process of seeing in a new way in favor of the disenfranchised is termed *equity*.

equity, n. **1.** Fairness; impartiality; evenhanded dealing <the company's policies require managers to use equity in dealing with subordinate employees>. **2.** The body of principles constituting what is fair and right; natural law <the concept of "inalienable rights" reflects the influence of equity in the Declaration of Independence>. **3.** The recourse to principles of justice to correct or supplement the law as applied to particular circumstances <the judge decided the case by equity because the statute did not fully address the issue>. – Also termed *natural equity*. ...²³²

Based on English jurisprudence, in legal studies concepts of law and equity are taught as a bifurcated system as per the remedy sought from the court. As recent as the 19th century, the two different types of remedies were even established in two different physical courts.²³³ Generally,

²³⁰ KUHN, *supra* note 210, at 53.

²³¹ *Id.* at 52-3.

²³² BLACK'S LAW DICTIONARY, *supra* note 159, at 560.

²³³ ROBERT LEAVELL, ET. AL., *EQUITABLE REMEDIES, RESTITUTION AND DAMAGES*, 8 (6th ed., 2000).

the courts of law were put in place to grant remedies based on contracts, statute, or other things that are written as a part of a body for which the defendant has already agreed. On the other hand, the courts of equity dealt with a wide range of issues that are not already agreed upon, things directly addressing unfairness in the existing system.

Equity is that system of justice which was developed in and administered by the High Court of Chancery in England in the exercise of its extraordinary jurisdiction. This definition is rather suggestive than precise; and invites inquiry rather than answers it. This must necessarily be so. Equity, in its technical and scientific legal sense, means neither natural justice nor even all that portion of natural justice which is susceptible of being judicially enforced. ... Every true definition of equity must, therefore, be to a greater or less extent, a history.²³⁴

Equity is that form of legal remedy that deals with the extraordinary, with those causes of action that require a knowledge of the history of wrongdoing, rather than any enforcement of the rules of a dominant paradigm by its agreed members. Unfortunately, even with these considerations of equity embedded into contemporary judicial systems, the disenfranchised still face great difficulty in finding equity *within* the dominant culture's courts. Through history, marginalized populations have managed to convince the court of unfairness, but nonetheless, they have only suffered further and indefinitely if they rely solely on this course of action for redress.²³⁵

As discussed in the introduction (See **TABLE 1**), relying solely on the courts is to express minority complaints within the internal mechanism of the dominant culture. But, as demonstrated by Harvey Milk in the Castro District of San Francisco or the squatters of the old city center of West Berlin after the Second World War, a self-help form of equitable remedy can be sought successfully outside the courts. In fact, it can be done so by co-opting the built environment as a means to such political ends, executing what is termed a "self-help remedy."

²³⁴ BLACK'S LAW DICTIONARY, *supra* note 159, at 560. Here, the reference cites at length Bispham, Geroge T., *The Principles of Equity 11th Ed.*, 1-2, 1931.

²³⁵ Generally reviewing the body of case law since the inception of the United State nation, even if the disenfranchised population has won in the court system, the court-based outcome is still most likely one that does not relieve the state of marginalization. See *Worcester v. Georgia*, 31 U.S. 515 (1832), a case whereby a member of the Cherokee Nation won his claim against the State of Georgia, and although this decision deemed the Indian Removal Act unconstitutional, it did effectively enjoin the Executive Branch's continuation of the relocation of the Cherokee Nation. See also *Korematsu v. United States*, 323 U.S. 214 (1944), a case based on the removal and encampment of Japanese Americans after the Pearl Harbor attack. The Supreme Court in 1944 found the removal and camps constitutional at that time, although reparations were made decades later in acknowledgement of the injustice of the decision and actions. See also *Bean v. Southwestern Waste Management Corp.*, 482 F. Supp. 673 (1979), a case that defined the beginning point for "environmental racism" as the losers in this claim protested the location of a hazardous waste facility less than 100 feet from a primary school in a middle-class, minority neighborhood. Still today, there exists no method to seek equity in claims for environmental racism in the United States in spite of the obvious negative environmental burdens shouldered by minority communities.

remedy, n. 1. The means of enforcing a right or preventing or redressing a wrong; legal or equitable relief. **2.** REMEDIAL ACTION. – **remedy, vb.** Cf. RELIEF.²³⁶

self-help remedy. See *extrajudicial remedy*.²³⁷

extrajudicial remedy. A remedy not obtained from a court, such as repossession. – Also termed *self-help remedy*.²³⁸

By definition, the self-help remedy is an extrajudicial remedy, to be sought outside the courts, usually executed by the complainant's own actions. One common and typical self-help remedy is *repossession*. Inherently, self-help is a process of seeking fairness outside the normal form of justice usually provided by the dominant culture. Self-help codifies this anomaly of remedial process as it pertains to real situations in terms of history, politics and society. As any individual or community employs measures to practice a minor production, in essence, they are executing their own rights in search of a self-help remedy.

As the minority protagonist endeavors to execute their own self-help remedy, a question may arise as to what end this process shall manifest. The exact nature of the “product” of a minor practice is appropriately as varied as the minor causes that produce them. Even so, Deleuze and Guattari have termed this form of self-sufficient, real expression as an *assemblage*. The assemblage is at the very heart of the journey to an extrajudicial remedy against communal marginalization. Creating an assemblage is in and of itself an undertaking of self-help equitable relief.

B.3.3. Assemblage as Product of Rhizomatic Enterprise

Referring back to the discussion of the rhizome, there were three components for Kafka's minority expression: the letters, the stories and the novel. The most important according to Deleuze and Guattari was the novel, as it was of a terminable form, “a real assemblage that is self-sufficient.”²³⁹ Beyond the “desires” as expressed by Kafka's love letters or the “willingness to create against impossibility” as expressed by Kafka's stories, the novel is a completed unit of production both existing within the realm of the dominant culture all the while staging an overt resistance to the oppression it represents.

²³⁶ BLACK'S LAW DICTIONARY, *supra* note 159, at 1296.

²³⁷ *Id.* at 1297.

²³⁸ *Id.*

²³⁹ DELEUZE & GUATTARI'S KAFKA, *supra* note 29, at 38.

As Deleuze and Guattari discuss the dominant culture, they create and define unique terms for a conceptual philosophy of power. Encompassing more than just an anthropocentric scope, the terms can be scaled up or down: up to an ecological system or down to a fundamental basis of energy. The term-of-art Deleuze and Guattari employ for conceptualizing the realm of a dominant culture is the *strata*, whereby the strata systemically “retains a unity of composition in spite of the diversity in its organization and development. The unity of composition relates to formal traits common to all of the forms or codes of a stratum.”²⁴⁰ As discussed, this formalization of common traits is also called overcoding.

Having already established the strata as the greater realm of unity, Deleuze and Guattari dignify the *assemblage* in contrast to the strata. Although all assemblages are necessarily *within* the strata upon manifestation, they also operate to decode the strata from within its apparatus. Quoted directly from A THOUSAND PLATEAUS, the assemblage is explained:

Assemblages are already different from strata. They are produced in the strata, but operate in zones where milieus become decoded: they begin by extracting a territory from the milieus. Every assemblage is basically territorial. The first concrete rule for assemblages is to discover what territoriality they envelop, for there always is one... Discover the territorial assemblage of someone, human or animal: “home.” The territory is made of decoded fragments of all kinds, which are borrowed from the milieus, but assume the value of “properties”... Inasmuch as they are territorial, assemblages still belong to the strata.²⁴¹

Further, as the assemblage is the product of minor rhizomatic expression, it is composed of a middle form of non-dominant but unifying cultural expression. Deleuze and Guattari explain that the assemblage has a tetravalent condition, in that the assemblage is at the same time both (a) content *and* (b) expression, all they while both a condition of (c) territoriality *and* (d) deterritorialization.²⁴² The assemblage acts as specific micro-strata within the greater stratum, one that is expressing its own re-coding over the real historic, social and political landscape from within but may suffer a self-created irrelevancy over time if unsuccessful in maintaining its own political potency.

Employing the rhizomatic process of cultural production, as pointed out earlier, there inherently is a high degree of production all the while suffering a high level of failure. In terms of Kafka’s work, all his letters and stories (even *The Metamorphosis*) were ultimately failures of this minor form of literature. His novels, self-sustaining and relevant to the real, lived-in world outside the

²⁴⁰ DELEUZE & GUATTARI’S A THOUSAND PLATEAUS, *supra* note 22, at 502.

²⁴¹ *Id.* at 505-6.

²⁴² *Id.* at 505.

writer's fiction were his "successful" offshoots of invention. These novels were assemblages, effectively questioning all the while existing within the power structure of dominant culture.

Most important in the creation of the assemblage is the extraction of territory for a collective "home" to the cultural anomaly. In other words, home is a political space to exist and create for the marginalized. After realizing an assemblage, the disenfranchised no longer are completely helpless in their plight to regain power, and over time, could establish a base from which to seek significant equity. This assemblage can only exist in a realm of agonistic tolerance by the strata, usually at the fringes of the strata at points of extensive deterritorialization. While the assemblage exists in this "exile by deterritorialization," the final product of cultural resistance simultaneously petitions for redress while proving the value of the minority by inventing new, constructive forms in exile.

Deleuze and Guattari explain that it is possible for successful assemblages born of the rhizomatic process to actually "sprout" independent arborescent, closed logical systems.²⁴³ In this occurrence, the assemblage integrates into the strata's own system of signification and unifying overcode process. This transference from the rhizomatic to an arborescent form thereby nullifies its own status as an assemblage and rather, becomes an acting machine of the dominant apparatus. Kuhn would dignify these occurrences of incorporation as revolutions in the structure of science, or paradigm shifts.²⁴⁴ In the best circumstances, these revolutions reflect innovation in normative logic.

According to Deleuze and Guattari this is not the aim of the assemblage, as these minor products should be valued on their own intrinsic value, existing on a special "plateau" that is always in the middle, not at the beginning or end.²⁴⁵ This position represents a special form of continuous, self-vibrating "region" whose development avoids any orientation toward a culmination point or external end.²⁴⁶ To integrate into the overcoding of the strata is to lose this special "plateau" status, thereby unwillingly contributing to the culmination of power, content and signification by the dominant culture.²⁴⁷

²⁴³ *Id.* at 20. "There are knots of arborescence in rhizomes..."

²⁴⁴ KUHN, *supra* note 210, at 103.

²⁴⁵ DELEUZE & GUATTARI'S A THOUSAND PLATEAUS, *supra* note 22, at 21-2.

²⁴⁶ *Id.* at 22.

²⁴⁷ *Id.* at 23.

B.4. COMMUNAL SOBRIETY

To what end does this minor practice endeavor if it is not a transcendental or an innovation of the dominant culture? Deleuze and Guattari dictate that the appropriate end is sobriety. In terms of Kafka's work in minor literature, they state:

Since Prague German is deterritorialized to several degrees, he [Kafka] will always take it farther, to a greater degree of intensity, but in the direction of a new sobriety, a new and unexpected modification, a pitiless rectification...²⁴⁸

... he [Kafka] will push deterritorialization further ... through a sobriety that makes language take flight on a straight line...²⁴⁹

Go always farther in the direction of deterritorialization, to the point of sobriety.²⁵⁰

Before I continue, it is important to define sobriety, or "to be sober":

sober, *adj.* **1.** (Of a person) not drunk. **2.** (Of a person) regularly abstinent or moderate in the use of intoxicating liquors. **3.** (Of a situation, person, etc.) serious, grave. **4.** (Of facts, arguments, etc.) basic; unexaggerated. **5.** (Of a person) rational; self-control.²⁵¹

In understanding this purpose and end sought with a minor practice, this intentional existence in the "middle" has a dual purpose for the minority seeking equity via assemblage. First, this role allows the minority to internally rationalize from the vantage of a territorial "home" of self-control. Second, this allows the minor practitioner to ceaselessly deterritorialize the major language so as to strip the dominant culture of its oppressive power in linguistic expression. As is repeated often, this sort of minor writing acts as both the "toxin and cure" to modernization.²⁵²

Another underlying purpose of sobriety, perhaps most important in the KAFKA treatise is the avoidance of the minor from complete dominant indoctrination. Here, by continuing to push further into the poverty of the vehicular language, the minor practitioner avoids usurpation by continually attacking and stripping the dominant of its oppressive characteristics. This prevents minority submission into the sedentary, self-closing (arborescent) paradigm of the times. Also, this insures against any chance the freshly empowered minority would become "drunk" on

²⁴⁸ DELEUZE & GUATTARI'S KAFKA, *supra* note 29, at 25 - 26.

²⁴⁹ *Id.* at 58.

²⁵⁰ *Id.* at 19.

²⁵¹ BLACK'S LAW DICTIONARY, *supra* note 159, at 1395.

²⁵² Somol, *supra* note 12, at 786.

acceptance after re-stratification within the given paradigm. Regardless, at every opportunity in both KAFKA and A THOUSAND PLATEAUS, Deleuze and Guattari advocate a continuation of the minor endeavor to deterritorialize language. In their belief, this constant deterritorialization procedurally pushes the language to literal meaning, peeling away the iterations of overcoding and inherent communal bias in expression.

In application to the built environment, sobriety as an end is in fact a form of pious self-control. The endeavor to avoid stratification encourages serious collective invention without committing to the very same oppressive characteristics that lead to further marginalization. The assemblage allows a unique opportunity to be attached to reality all the while distancing the minor practitioner from the “automata” of the dominant culture. By purposefully sequestering expressive territory, the minor practitioner is thereby able to negotiate out of a marginalized position without imposing a relative disenfranchisement of other minority interests.

B.4.1. Legal Codification of the Territorial Home in Execution the Urban-Architectural Form

Accepting this broader theoretical framework for a minor practice, the details of practice application to development in real urban-architectural expression necessitates discussion. First, although a rhizomatic approach is required for minor practice, the final product from such an approach is the assemblage. Each assemblage is an extracted territory for expression, a “home” that must have an envelope that is readily and literally recognizable. Second, in terms of communal sobriety as expressed in urban-architectural production, self-controlled expressions of rationality are evident in the continued search for minority equity vis-à-vis marginalization induced by the dominant culture. And finally, the constant reiteration of minor execution in the writing of architecture shall be perpetuated; meaning that the three characteristics of minor practice will continue as long as the community is under development and politically potent. As a reminder, those three characteristics are (1) the continued deterritorialization of the major architectural language, (2) the wholly political potency of the built environment, and (3) the continued collective value of the urban-architectural form.

As Deleuze and Guattari outlined the rhizomatic process of production for Kafka, they discussed how he employed his letters, short stories and novels as the writing machine against “an impossibility” of writing as a Jewish minority in Prague. Although his letters laid the network of attempted writing, his novels were the actual end product of his overall literary exercise. As per Deleuzian philosophy, Kafka’s novels are truly minor as they were created as a self-sufficient resistance to the dominant culture all the while connecting his readers to the political reality of

living within that culture. In other words, it was a complete production unit, critical to the reality of the dominant culture all the while existing within that culture's self-closing paradigm.

In the built environment, the relative equivalent to the literary novel is the urban-architectural form. Openly notorious as both a politically and architecturally synthesized unit, the urban-architectural form is a collective expression of the built environment which is designed, executed and inhabited for specific communal objectives. Further, as the novel is composed of a group of characters concerning a pattern of events, actions, feelings and motives;²⁵³ the urban-architectural form defines at a minimum this very composure in built environment, encapsulating the patterns, characters and motives in a coherent body of written architecture.

Perhaps more importantly for the task of defining an assemblage in terms of the practice of a minor architecture, the urban-architectural form exists as the manifestation within a specific, extracted territory for architectural expression. In the example of Haussmann's *grands travaux* as an urban-architectural form of Paris specific routes for the deterritorialization and vehicular reterritorialization were defined both spatially (per the boulevards) and in time (between the years 1853 and 1860). In spite of the fact this example is not an assemblage, it does illuminate the clear territoriality of the urban-architectural form in the whole of the built environment.

In conceiving of an assemblage created from the built environment, a clearly recognizable "home" territory must be available before a minor practice of architecture can be ultimately known or witnessed. In real application, this means that there must be some form of legal codification of the territory available for rhizomatic expression. As minor production exists within the major language of the dominant culture, this legal codification necessarily defines the boundaries and procedural underpinning of the assemblage as practiced.

In terms of the other example employed in this paper to demonstrate the urban-architectural form, the Internationale Bauausstellung of 1987 [hereafter "IBA of 1987"] was composed of a legally defined space for self-sufficient expression in the built environment. The exhibition was funded with public-private funds, based on parcels of West Berlin that were selected for their importance in the redevelopment of the greater city of Berlin as a whole.²⁵⁴ These permanent

²⁵³ WEBSTER'S NEW WORLD DICTIONARY, *supra* note 165, at 929. *Novel* is defined as "a relatively long fictional prose narrative with a more or less complex plot or pattern of events, about actions, feelings, motives, etc., of a group of characters."

²⁵⁴ Colin Rowe, *Comments on the IBA Proposals*, ARCHITECTURE IN PROGRESS: INTERNATIONALE BAUAUSSTELLUNG BERLIN 1984, 121 – 122 (Frank Russell ed., 1983).

International Building Exhibitions are a regular and normalized form of German urban redevelopment, beginning in 1899 and occurring intermittently every few decades.²⁵⁵

In characterization of the IBA of 1987, at the start there was a grand plan based on contemporary architectural scholarship directly focused on Berlin's urban environment.²⁵⁶ Then, a series of refined plans were drawn up to select particular sites for redevelopment as financing was arranged by coordinating public-private development partnerships.²⁵⁷ Then, after this urban-scale planning was complete, a competition was held for each site whereby architects were selected for design and administration. Finally, as construction managers for the city, the public-private partnerships oversaw the development of the individual parcels in satisfaction of the aims of the grand plan.²⁵⁸ This self-sufficient mechanism of urban development, as applied, is clearly possible for a territorial home for a minor expression of architecture. Although the actual components of the urban-architectural form were built all over West Berlin, the specific logic and legal definition of such execution is clear, legitimate and cohesive within the legal, territorial milieu of the dominant culture. In other words, a minority political position was advocated with normally conceived building methods.

As the rhizomatic process for development is intentional inventive, there are a multitude of legal mechanisms for defining the territory of an assemblage, including but not limited to special districts, leased property, donated property, property held in private ownership, property held in public-private partnership, cities, villages, towns, or even property held in contentious possession such as land ownership by adverse possession. Regardless of the method of property possession, such possession must be legally and territorially recognizable by the dominant culture for further expression in minor form.

B.4.2. Communal Rationalization in Furtherance of Minority Aims

Embedded in the very meaning of sobriety is the rationalization of the marginalized community in the development of its politically charged built environment. A major distinction from development under the guise of the dominant culture is the fact that the rationalization instigated and undertaken by the marginalized community with minor production is self-

²⁵⁵ GHIRARDO, *supra* note 48, at 108.

²⁵⁶ U.S. Environmental Protection Agency, *International Brownfields Case Study: Emscher Park, Germany* (Oct. 12, 2010) <<http://www.epa.gov/brownfields/partners/emscher.html>>.

²⁵⁷ *Id.*

²⁵⁸ *Id.*

controlled. Deleuze and Guattari discuss this difference of rational application in terms of Kafka's own development as he endeavors to be a novelist.

As discussed previously, Kafka writes differently in his letters, stories and novels. Although Kafka's letters were simply an acknowledgement of his desire to write, Deleuze and Guattari explain that the stories are for the writer an honest attempt at *creating* literature. As all the stories are essentially *animalistic* even though there aren't animals in all the stories, characteristically each story's narrative is an explanation of a way out, a tracing of the line of escape.²⁵⁹ This personal evacuation as written in the story, this exhibited line of escape, is actually Kafka's expression of irrationality. This escape is his expressed avoidance of applying his writing practice to real social and political circumstances.

The rationalization for Kafka of his writing occurs in the novel. Each novel is a product of defiance, representing Kafka's aim as an un-enfranchised minority of Prague without a native language with which to write. Without essentially abandoning the very narrative mechanism (the becoming-animal) he has employed so successfully in his stories, Kafka cannot "sharply grasp the violence of an Eros²⁶⁰ that is bureaucratic, judiciary, economic, or political."²⁶¹ This grasp of reality in his novels is Kafka's self-controlled rationalization.

Here, he abandons the animalistic "flight" in favor of a decoded, rediscovered and proclaimed collective "home" for his own communal existence.²⁶² This rationalization allows Kafka to be "overrun by a flux of invincible life," to be a "bureaucrat with a great future ahead of him" against the very notion that he is speaking from and with a minority voice.²⁶³ Kafka has given in and tamed his own desires in favor of a sort of self-created domestication. This domestication is necessary in order to entrench his work with the serious credibility he endeavors to achieve in spite of his cultural position within the dominant apparatus.

Cultural geographers have as well argued the existence of this minority, self-controlled rationalization as a method to preserve the essence of the minor community against the dominant culture. Unfortunately, the "minority" in this rich body of documented American scholarship is of the losing white Southerner, resistant to the United States during late 19th Century Reconstruction after the Civil War. One such cultural geographer outlines this minority

²⁵⁹ DELEUZE & GUATTARI'S KAFKA, *supra* note 29, at 34.

²⁶⁰ *Eros* here is meant "life instinct, based on the libido, sublimated impulses, and self-preservation." Definition taken from WEBSTER'S NEW WORLD DICTIONARY, *supra* note 165, at 461.

²⁶¹ DELEUZE & GUATTARI'S KAFKA, *supra* note 29, at 38.

²⁶² *Id.* at 41. See also DELEUZE & GUATTARI'S A THOUSAND PLATEAUS, *supra* note 22, at 503.

²⁶³ *Id.*

reflex in an annotated fashion, discussing the white Southern narrative as a two part story existing in perpetual conflict:

The first [part] explained secession and the war as legal and honorable actions undertaken to preserve the Southern Way of Life. What the South had defended, and would go on defending, was not slavery, but a premodern cultural and social world uncorrupted by the instrumental rationality, atomistic social relations, and skeptical nominalism of bourgeois capitalism. ... The second part of the story attributed Southern defeat to the relatively underdeveloped Southern economy. ... Future defense of the Southern Way of Life therefore required a Southern commitment to technological innovation, industrial development, and popular education of whites. A degree of modernization was therefore accepted as the price of preserving Southern life from economic, political, and cultural encroachments by the Yankee Leviathan.²⁶⁴

Here, the argument is made that the losing collective of the Civil War (the white Southerner) endeavored on a path to self-controlled, limited rationalization. This minority has done so as to protect the essence of the minor in the face of deterritorialization by the Union's vehicular language of cultural dominance. Here, the vehicular built language is largely that of industrialization including railways, factories, resource harvesting operations, and the like. For most circumstances, this rationalization is inevitably a self-administered adoption by the minor of its own modernization "poison" for the sake of collective solidarity in the face of change:

Obviously, these two stories are not entirely compatible since, combined into a single story; modernization is the antidote to modernization. ... What this two-part story of tradition and progress proposed was that the South, like Mithridates in A.E. Houseman's famous poem, imbibes a bit of modernity to fortify itself against the remainder.²⁶⁵

Here is A.E. Housman's poem referenced from *A Shropshire Lad*:

There was a king reigned in the East:
There, when kings will sit to feast,
They get their fill before they think
With poisoned meat and poisoned drink.
He gathered all the springs to birth
From the many-venomed earth;
First a little, thence to more,
He sampled all her killing store;
And easy, smiling, seasoned sound,
Sate the king when healths went round.
They put arsenic in his meat
And stared aghast to watch him eat;
They poured strychnine in his cup
And shook to see him drink it up:

²⁶⁴ Smith, *supra* note 122, at 184.

²⁶⁵ *Id.* at 185.

They shook, they stared as white's their shirt:
Them it was their poison hurt.
- I tell the tale that I heard told.
Mithridates, he died old.

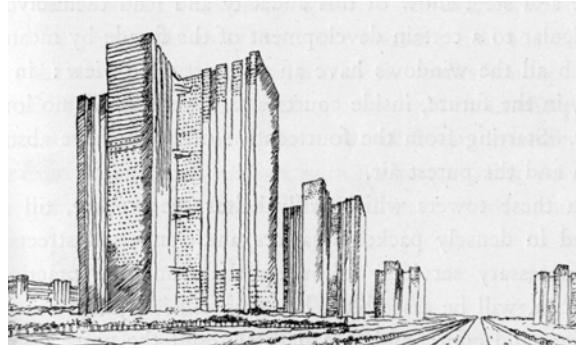


FIGURE 4. Corbusier's *Une Ville Contemporaine*

As Mithridates survived to be an old man in this poem, Berlin with implementation of the IBA of 1987 also internalized the dominant culture's poison to rationalize in a self-controlled, *enfranchising* manner. In 1977, as a city dominated by the ruins from war and the Berlin Wall, planners advocated an acceptance of the permanence of the east-west demarcation and suggested creating a residential city center for West Berlin far beyond the old city center. As Modernism still had a strong following in Europe, city planners proposed a series of tower blocks reminiscent of Le Corbusier's *Une Ville Contemporaine* (See **FIGURE 4**).²⁶⁶ This plan would have continued the neglect already suffered at Berlin's city center near Tiergarten, the central park of the city.²⁶⁷ Further, all the major universities and social services were still housed in Berlin's city center, therefore, these plans would exacerbate the already weak connectivity of the city.²⁶⁸

As discussed previously, with the aid of newsworthy squatters in the city center, native Berlin designers Josef Paul Kleihues and Hardt Walther Hamer convinced the proponents of the current iteration of the Internationale Bauausstellung to adopt largely sobering rationalizations in the development of the new exhibition. Perhaps the most important rationalization was the

²⁶⁶ GHIRARDO, *supra* note 48, at 108. See also Josef Paul Kleihues, *New Approaches to Life in the Inner City: The Row or the Block?*, THE FOREST EDGE 2: POST-WAR BERLIN, 66 – 67 (Doug Clelland & Robert Gedde eds., 1982).

²⁶⁷ *Id.* at 109.

²⁶⁸ *Id.*

collective West Berlin commitment to the continuation of Berlin's eventual city center at Tiergarten.²⁶⁹ This decision was adopted in spite of the urban split dignified by the Berlin Wall, enforced as a hard periphery by East Berlin soldiers since 1961.²⁷⁰

Further, based on Kleihues's dictates, individual architects were required to follow strict height and formalistic parameters, most important being the *block* form of residential development.²⁷¹ This block form was argued to be quintessentially Berlin with its requisite "hof" at the center of the block, allowing the communal sharing of green space by all occupants.²⁷² Also, a significant portion of the exhibition was a working demonstration of inner-city building rehabilitation.²⁷³ Although many of the new buildings constructed for the project were designed by foreign architects, the majority of the rehabilitation projects were designed and administered by West Berlin architects.²⁷⁴

Berliners faced a harsh reality and minority position in Europe as the losing epicenter of the continental theatre of the Second World War. Living in a city split into four sectors and despised for decades after the war, like Kafka, Berliners faced "an impossibility" in the writing of a future in terms of the built environment. But, in the 1980's, West Berliners soberly faced the reality of inaction, and with the help of both public and private funding, filled in the gaping holes of the post-war city and rehabilitated the existing urban infrastructure for contemporary living. Of their own accord, the West Berliners moved forward in creating a reterritorialized, rationally *Berlin* urban fabric for a city whose future held an unknowable, yet hoped for reunification.

B.4.3. Production of a Minor Architecture

In essence, Berlin's reunification in November of 1989 was the beginning of our current era of globalization. But, as Colin Rowe states, its planned redevelopment in the previous decade was only an attempt at reconstituting the city itself. This, he said, was a countercultural move against the dominant apparatus's "tendency to break the world into ever smaller parts... ending a long

²⁶⁹ Rowe, *supra* note 254, at 121.

²⁷⁰ See Frank Werner, *The Acceptance of a Divided City: The Recent Demise of Planning for Berlin as a Whole*, THE FOREST EDGE 2: POST-WAR BERLIN, 81 (Doug Clelland & Robert Gedde eds., 1982). Here the author states: "The IBA is to attempt to make up some of the loss of identity in Berlin civic planning. That means concentrating on the city as a whole; through the location and design of the West Berlin buildings in relation to the historic city centre in the East, and especially in the confrontation with the architectural principles held in East Berlin."

²⁷¹ Kleihues, *supra* note 266, at 66-7.

²⁷² *Id.* at 67. The hof is also termed "communal courtyard."

²⁷³ Hardt-Waltherr Hamer & Stefan Kratke, *Urban Renewal Without Displacement*, ARCHITECTURE IN PROGRESS: INTERNATIONALE BAUAUSSTELLUNG BERLIN 1984, 27 (Frank Russell ed., 1983).

²⁷⁴ GHIRARDO, *supra* note 48, at 118 - 119, 122 - 124.

and fruitful marriage between architecture and the city.”²⁷⁵ He further comments that in terms of the aims of the IBA of 1987:

The ambition is grand; its realization is what a large part of the world is waiting for; because it is a trial, it will not be wholly successful; but, meanwhile, the historical record will stipulate that it was here, in West Berlin, that a first major attempt was made to reconstitute the city.²⁷⁶

TABLE 5. Conceptualizing a Minor Architecture



Legal Concept	Nuisance	Self-Help	Equity
Deleuze & Guattari Philosophical Concept	Deterritorialization	Assemblage	Sobriety
Example in Berlin	Overcode of Berlin; Division of city between USSR, USA, UK & France	Internationale Bauausstellung (IBA) of 1987	Re-centering of Berlin at Tiergarten (Central Park of Berlin)

Rowe goes directly to the substance of the opportunity inherent in the minor production of architecture. From the point of anti-Modernist ideological hijacking in 1977 until its final building was complete, the IBA of 1987 exhibited a rhizomatic program of urban renewal, satisfying all of Deleuze and Guattari’s requisite minor characteristics (See **TABLE 5**).

Recalling that the three characteristics of minor production as defined by Deleuze and Guattari are (1) the continued deterritorialization of the major architectural language, (2) the wholly political potency of the built environment, and (3) the continued collective value of the urban-architectural form; the development of the IBA of 1987 exemplifies how the framework originally intended for a minor literature can be analogically applied in the production of a minor architecture. As per the first characteristic, the entire West Berlin cityscape was the very epitome

²⁷⁵ Rowe, *supra* note 254, at 121.

²⁷⁶ *Id.*

of a deterritorialized urban language. Unrepaired after the Second World War, divided into four sectors of foreign control, and bifurcated on a north-south axis so as to split the very heart of the city in half; Berlin as a city was infamously composed of an architectural language dislocated from its own territorial origins.

Further, the 1977 proponents of the original Berlin IBA took it upon themselves to further deterritorialize the existing major language, a language that literally oppressed Berliners (east and west) under a vehicular architectural language of sectors, walls, isolation and purposeful neglect. Not only did the proponents face this oppressive Allied language, they as well faced the remnants of Berlin's history of the past century. This history unfortunately included the Nazi Regime and its Berlin-based bureaucratic apparatus for the liquidation of the Jewish population. It is quite a task, truly "an impossibility" to rehabilitate an original *Berlin* architecture that stylistically frog-jumps two iterations (Allied and Nazi) of recent and profound reterritorializations.

With the instigation of the squatters at the heart of old Berlin, Kleihues and Hamer publish practiced evidence of their methods of new and rehabilitative design in favor of a quintessentially Berlin architectural language. In a published exhibition of their projects, they identify a decoded, original territoriality of the city. Kleihues did so with his new project dignified as Block 270; Hamer did so with his own renovation of Block 118, a "Pilot Project as an Example of Urban Renewal Without Displacement" (See **FIGURE 5**). As this argument proved convincing, a reflexive form of urban-architectural design was endorsed by second iteration IBA planners to subvert from within both the Allied and residual Nazi overcoding of the city. This subversion was an intentional deterritorialization of the major architectural language, designed as a self-help measure to seek urban equity for Berliners from within their own walled ghetto.

In fulfillment of the second characteristic of a minor practice, the IBA of 1987 embodies a direct reflection of the political potency of the built environment experienced by its residents. After the Second World War, existence within the militarily landlocked West Berlin was difficult. As discussed earlier, "an impossibility" existed as to a method to build upon the ruins of the city in terms of an architectural language for appropriate redevelopment. Further, since 1961, the Berlin Wall became a focal point of not only the city, but of the entirety of the geo-politics of the Cold War. As the IBA of 1987 proceeded into the design phase, Colin Rowe commented:



FIGURE 5. Architecture of the IBA. Shown here (clockwise, from top left) are **(a)** OMA's residential block at Checkpoint Charlie, **(b)** Aldo Rossi's block at the Berlin Wall, **(c)** Hamer's Block 118 & **(d)** Kleihue's Block 270.

... That an adequate plan for a part of West Berlin immediately adjacent to the old city centre should, in no way, be compromised by reunification and that a good plan might even act to facilitate such an objective.²⁷⁷

The Berlin Wall, the remaining French-British-American sectors, the deliberate neglect of the city by outside dominance; all these conditions created an overwhelming sense of political potency of unprecedented magnitude. The IBA of 1987's purposeful development under the assumption that the center of Berlin would one day again be on the eastern side of the wall amplified the political awareness of every Berliner, east *or* west. In fact, many of the most prominent buildings were designed and built so they could easily be seen over the wall from the eastern side. These buildings were painted in bright colors and of contemporary materials, beckoning their eastern neighbors to reunify for a common future (See **FIGURE 5**).²⁷⁸

Although it would be naïve to entertain the idea that the IBA of 1987 brought about the actual demise of the Cold War, the urban project did unquestionably build upon an international political willingness to reject the barriers between east and west.²⁷⁹ But, the fall of the Berlin Wall in 1989 was not the final expression of collective politics to be expressed by the IBA of 1987. Perhaps looming greater than the Cold War itself, there was a question as to Berlin's future in terms of its relatively recent atrocities against its own Jewish population.²⁸⁰ As the final realized project of the IBA of 1987, the Jewish Museum Berlin was completed in 1998, immediately presented as a masterpiece by the Polish-American Architect, Daniel Libeskind.²⁸¹

Abruptly facing the two most important political issues facing Berlin in the 20th Century, the IBA of 1987 dealt openly with the possible reunification of Berlin and the city's future in regard to its decimated Jewish community. Proponents first moved forward with these issues by reestablishing an appropriate territorial language for Berlin's built environment, guiding all future work for the exhibition. Then, urban planners focused the development of a series of buildings with Tiergarten at its center, successfully executing a cohesive urban-architectural form for Berlin's eventual rehabilitation. Even after the Berlin Wall was history, the exhibition completed plans to attempt a reintroduction of the Jewish minority with architecture, abruptly facing the decades of profound pain and devastation latent in the city's fabric. Here, the politics of the city was proactively addressed with an execution of contemporary environmental design.

²⁷⁷ *Id.*

²⁷⁸ See MARTIN KIEREN, NEW ARCHITECTURE, BERLIN 1990-2000, 85 (1997).

²⁷⁹ Rowe, *supra* note 254, at 121.

²⁸⁰ LIBESKIND, *supra* note 182, at 19.

²⁸¹ KIEREN, *supra* note 278, at 116.

The third characteristic of a minor practice concerns the collective value of the urban-architectural form in this specific execution. As fitting of a building exhibition showcasing postmodernism at its fashionable height, the proponents orchestrated a theme of “*models* for a city.”²⁸² Competition winners designed a series of permanent residential and mixed-use blocks based on the territorial origins outlined by Kleihues and Hamer. These block guidelines actively reconfigured West Berlin with a newfound *referential* built language.²⁸³ As the referential language of the built environment conveys “sense and of cultures” in terms of a writing of architecture, most important to each winning architect was conveying the very sense of being in West Berlin at this critical hinge in world history. Encompassing the sense of an isolated bifurcated city, examples of this referential reterritorialization include Eisenman’s Block 5 at Checkpoint Charlie, Zenghelis’s Block 4 on the opposite corner of Checkpoint Charlie, and Libeskind’s Jewish Museum Berlin (See **FIGURE 3** and **FIGURE 5**).

Peter Eisenman’s Block 5 Checkpoint Charlie project was completed years before the fall of the Berlin Wall, yet it was a direct referential design based on the height and this irrational product of the dominant culture during the Cold War.²⁸⁴ Abstracting the purpose of the Berlin Wall into a Cartesian system, all architectural details are based on the logic of this *a*-historical condition of West Berlin at the time of installation.²⁸⁵ Elia Zenghelis, as a partner in the international firm OMA at the time of the exhibition, designed the Block 4 mixed-use installation so as to directly convey the sense of Berlin in terms of its checkpoints and the Berlin Airlift. The ground floor of the building includes a checking facility and turnabout for Allied transportation near Checkpoint Charlie.²⁸⁶ Above that ground floor is a variety of residential uses, purposefully angled away from a view of the Berlin Wall for the comfort of the resident.²⁸⁷ Most referential of all the projects here, the roof structure is shaped and aesthetically matches the bottom of a large wingspan, referencing the lifeline for isolated West Berlin: the Berlin Airlift.²⁸⁸

Finally, and likely the most famous of the IBA of 1987 buildings, Daniel Libeskind’s Jewish Museum Berlin was the first constructed project of the Polish-American architect.²⁸⁹ Literally mapping the lost connections of the Jewish Culture to Berlin on a beautiful zinc façade,

²⁸² Wallis Miller, *IBA’s Models for a City: Housing and the Image of Cold War Berlin*, 46 JOUR. ARCHITECTURE EDU., 204 (May 1993).

²⁸³ GHIRARDO, *supra* note 48, at 108 - 109.

²⁸⁴ WORLD CITIES: BERLIN, 210 (Alan Balfour ed., 1995).

²⁸⁵ *Id.*

²⁸⁶ *Id.* at 213.

²⁸⁷ *Id.*

²⁸⁸ *Id.*

²⁸⁹ JENCKS, *supra* note 24, at 369.

Libeskind forced a lightning shaped building into the IBA's constrictive territorial guidelines.²⁹⁰ Although appropriate in terms of scale and integration into the urban context, the museum abruptly conveys to the Berliner the chilling void created by the atrocities of the Nazi Regime.²⁹¹



FIGURE 6. Contemporary *Potsdamer Platz*

This referential language of the urban-architectural form, building by building, writes the very politics that every knowledgeable pedestrian unconsciously reads from the city of Berlin. Isolation, historic atrocity, cultural erasure (both Jewish and German), overt division, reunification and geo-political theatrics are all components of Berlin after the Second World War. Firmly, these buildings assemble a collective proclamation of this extremely unique environment.

²⁹⁰ WORLD CITIES: BERLIN, *supra* note 284, at 224 - 225.

²⁹¹ *Id.* at 225.

This minor expression of urban-architectural design, though, did not stay minor. At some point near the year 2005, reunified Berlin became not only the capital city of Germany, but redefined itself as the new commercial center of Continental Europe.²⁹² The city lost its milieu of deterritorialization, whereby the major language of the built environment was completely reterritorialized under globalization. With dominant acceptance, rapid capitalization appropriated the building stock of the IBA of 1987 with a new, national overcoding of German reunification.

The minor expressions of the built language assembled with the IBA of 1987 were as well indoctrinated into the “new” Berlin, and now, act as a contribution to the reestablished dominant culture. Against the philosophical suggestions of Deleuze of Guattari, the proponents of the IBA did not conceive of a cultural plateau for the final exhibition. Rather, the proponents aimed to shift the language of the dominant culture in the direction of their own political aims. As the politics did change in their favor, the Berliner is no longer marginalized in any sense, but rather, is home at a trendy epicenter of Europe.

Potsdamer Platz perhaps illuminates this fact best (*See* **FIGURE 6**). Potsdamer Platz prior and during the Second World War contained the important institutions of Nazi Germany, including various headquarters, the Air Ministry, the SS, the Gestapo, and even Hitler’s Bunker.²⁹³ This urban environment was arguably most overcoded by the Nazi regime in preparation for World War II. Later, after losing the war, it is estimated that less than 20% of the built environment survived the war. Without rehabilitation or development throughout the Cold War, this area remained a total wasteland for half a century. Today, as a wild contrast to its condition prior to 1989, Potsdamer Platz is the very flagship of Berlin’s new commercial economy.

By focusing on Hejduk’s design nominalism, Somol suggests that John Hejduk was pushing architectural professionals from their current practice of a “semiotic critique” of modernism into a “direct practice of institutional projection.”²⁹⁴ Somol outlines how this institutional projection can be theoretically carried out in a method of reinvigorating the polis with a post-liberal, minor practice of urbanism.²⁹⁵

²⁹² Copeland, Dave, *Poor, Sexy Berlin: The Failure of Urban Planning* (Dec. 2004) <<http://reason.com/archives/2004/12/01/poor-sexy-berlin>>.

²⁹³ GHIRARDO, *supra* note 48, at 128.

²⁹⁴ Somol, *supra* note 12, at 796.

²⁹⁵ *Id.*

B.5. MINOR PRODUCTION AS MODEL OF ARCHITECTURAL DESIGN

At that point the Modern project has become either saturated or abandoned, a post-liberal approach to producing cultural artifacts for greater societal endeavors shall manifest, regardless of the readiness or foresight of the research community. After review of the small body of work regarding the development of the built environment in an era after global liberalization, there appear only two possible forks in the road. As discussed previously, the first possibility championed by Lebbeus Woods is that the individual's relationship to the State apparatus shall dissolve, ushering in a condition of hyper-atomization and self-organization absent formal collective expression. The second possibility championed by both R.E. Somol and Kenneth Frampton is one that reasserts medieval, in-between collective forms of identity to recapture local power and administrative capacity, separate and unique from the State apparatus.

In alignment with Somol's prescription, the theoretical basis of this paper advocates the formulation and testing of such an "in-between" collective form under contemporary conditions of globalization. Further, the only potential subjects of study for such "in-between" collectives are those formed in *resistance* to globalization, communities who have had to collect and resist for survival against unintended consequences of dominant cultural rationality. Yoking these two ideas together, the aim of this paper is to apply Somol's suggested "in-between" theoretical method of collective resistance upon obvious cases that appear resilient in resisting global trends of urban modernization.

As described previously, Somol's suggested theoretical basis for the judgment of resistive urban architectural expression is an analogical application of Deleuze and Guattari's treatise on Kafka's minor literature. As Somol merely suggested this approach in minor architectural production without seeking cases by which to test it, neither he nor any other architectural theorist thus far has attempted a real-world evaluation of such a proposition. The aim of this paper is to do just that, to take up Somol's suggestion and analogically apply Deleuzian concepts from KAFKA upon real-world urban expressions of political collectivity.

As this is an untested method of judging urban phenomenon, there are quite a few obvious drawbacks. First of all, a testing method created for literature may not fit an analysis of the built environment. Second, as this is a pioneering application of Deleuzian concepts, analysis must be thorough and double-checked by other qualitative methods. Third, as this is the first iteration of such a test apparatus, mistakes of interpretation are possible, mistakes that require double-checks with other qualitative tests. Perhaps the greatest drawback of employing a Deleuzian

model to judge architectural production is based in the very nature of the underlying texts. Deleuze and Guattari's work on capitalism, globalization and minor resistance can seem unkempt, circular, and employs a vocabulary difficult to translate for analysis. In other words, Deleuzian discourse is itself difficult to understand, much less apply principally to real-world, built structures of an urban scale.

On the other hand, the KAFKA treatise itself has been written with uncharacteristic clarity and brevity compared with other Deleuzian works. Further, the KAFKA book outlines perhaps the only comprehensive, intelligible and serious contemporary work on understanding minor production, making it an obvious model for analogical application to other forms of cultural production. The greatest benefit to this model is its potential applicability to cultural products of all sorts, a process that can demarcate between power expressions of dominance or minority resistance. As the *Kafka* framework is essentially the only framework for understanding minor production, this is a major benefit in applying it for judging critical urban-architectural forms.

Since September 11, 2001, novel approaches to architectural production have been warranted so as to both continue to liberalize global interactivity and simultaneously assure equity in the development of built environment. No such approach appears to have been identified as issues of equity continue to lack not only resolution, but are without even a forum for enunciation. Focusing on a formative and established voice of contemporary critical discourse, the *Kafka* model of asserting equity as the very basis of cultural production realigns the subject of architectural research away from furthering established paradigms of progress, and instead, highlights the potential of creating space for those most desperate for *a*-paradigmatic invention. Ultimately, this is the most daring and exciting prospect for this theoretical exercise: the inventive possibility of minor architecture for contemporary urban development. As this is an untested research subject, the real question at the heart of this paper is the following: Is minor architecture possible?

C. RESEARCH DESIGN & METHODOLOGY

Research Design & Methodology Abstract: So as to investigate the possibility of a minor architecture, a hypothesis is formulated to test the analogical fitness of the Deleuzean *Kafka* framework to unique expressions of the built environment. In testing the framework's application to realized urban production, an interpretive-historical analysis is the primary method of evaluation. Two secondary tests are also applied to each case so as to both persuasively validate those cases that have proven to employ minor forms of architectural production and so as to evaluate the enunciative value each community has exhibited with execution of their self-defined built environment. The first of such secondary tests is a physiological evaluation, whereby all urban-architectural resources employed by the community are categorized and tabulated as per collective political aims. Once such resources are tabulated, if more than a super-majority (66%) of the urban resources as produced reflects measures of minority reaction against dominant norms, then the urban-architectural form has persuasively reflected a minor architectural design in the realized built environment. The second test is a newspaper correlative analysis which aims to measure the reflective real-world congruence of the urban-architectural form as per the intended enunciative value of the politically-charged unit of the built environment. If a majority (50%) of the news emanating from the place-origin of a selected urban-architectural form enunciates the political desires of the minority community all the while connecting that place with such collective aims, then such a correlation persuasively exhibits the effective enunciation of collective desire as expressed by the built environment itself.

Designing a Test of Minor Architecture. In application of the theoretical framework outlined by Deleuze and Guattari, a research design is proposed to address the legibility of minor forms of urbanism. An as of yet undetermined number of urban-architectural forms in contemporary history have been used by disenfranchised populations to respond to communal nuisance since the end of the Second World War. These disenfranchised populations are seeking what is termed environmental justice by employing the urban-architectural form to respond in kind as a formidable political act of defiance to the nuisance imposed by globalizing actors.

With the following research design, the urban-architectural form is studied as a literary-communal mechanism of its own right, employed by populations suffering environmental injustice to respond to what they perceive as inequitable realizations of liberal governance. Ultimately, the given research design has been formulated to simply test whether these

exhibitions of architectural resistance achieve the status of minor architecture according to the Deleuzian *Kafka* framework, thereby proving the possibility of such forms in the contemporary built environment.

C.1. HYPOTHESIS

If the Deleuzian framework for minor literature as established in the treatise KAFKA: TOWARD A MINOR LITERATURE can be analogically applied to the built environment and proven to identify minority enunciations of political desire, then the production of minor architecture is possible.

C.1.1. Terms of Art for Testing Minor Architecture

If the Deleuzian framework for minor literature as established in the KAFKA treatise can be analogically applied to the built environment and proven to identify minority enunciations of political desire, then the production of minor architecture is possible.

C.1.1.1. Arborescent

Arborescent is a term used regularly to dignify explicitly dominant forms of cultural power and expression. “Arborescent systems are hierarchical systems with centers of significance and subjectification, central automata like organized memories.”²⁹⁶ Arborescent systems are dominant forms of cultural exercise that employ a *tracing* method of power reification. Tracing is defined by Deleuze and Guattari in terms of the goal of the greater arborescent system: “its [Tracing’s] goal is to describe a *de facto* state, to maintain balance in intersubjective relations... on the basis of an overcoding structure or supporting axis, something that comes ready-made. The tree articulates and hierarchizes tracings; tracings are like the leaves of a tree.”²⁹⁷

C.1.1.2. Assemblage

Quoted directly from Deleuze and Guattari’s A THOUSAND PLATEAUS, the assemblage is explained as: “Assemblages are already different from strata. They are produced in the strata, but operate in zones where milieus become decoded: they begin by extracting a territory from the milieus. Every assemblage is basically territorial. The first concrete rule for assemblages is to discover what territoriality they envelop, for there always is one... Discover the territorial

²⁹⁶ DELEUZE & GUATTARI’S A THOUSAND PLATEAUS, *supra* note 22, at 16.

²⁹⁷ *Id.* at 12.

assemblage of someone, human or animal: 'home.' The territory is made of decoded fragments of all kinds, which are borrowed from the milieus, but assume the value of 'properties'... Inasmuch as they are territorial, assemblages still belong to the strata."²⁹⁸

Deleuze and Guattari dignify the *assemblage* in contrast to the strata, as the strata can be conceptualized as the unified dominant culture. Although all assemblages are necessarily *within* the strata upon manifestation, they also operate to decode the strata from within its apparatus. Webster's New World Dictionary defines an assemblage fitting for the use in this report as "a group of persons or things gathered together; assembly."²⁹⁹ Further, the assembly as best defined is "a fitting together of parts to make a whole, as in manufacturing automobiles."³⁰⁰ The term *assembly* is also used regularly in the construction industry to indicate a standard grouping of specific components to be realized for the greater design project. Usually, a particular assembly can be categorized and extrapolated for both time and cost estimating purposes.

C.1.1.3. Back-to-the-Land Movement

The back-to-the-land movement was largely driven by those that decided to start their own family and collective agricultural plots rather than return to mainstream society after the counter-culture movement lost its mainstream momentum in the late 1960's and early 1970's. In the San Francisco Bay Area of California, this "turnaround immigration"³⁰¹ largely occurred after the Summer of Love in 1968. In many cities, the movement was directed at refurbishing urban blocks as small-scale agricultural development in an effort to break away from the norm of capitalist food production and distribution. Many back-to-the-land participants are also called homesteaders or urban homesteaders.

Jeffery Jacob defines the back-to-the-land movement in this manner: the "back-to-the-land movement of former urban residents who move to the countryside in search of simpler lives in what they perceive as a closer relationship to nature. At the height of the movement in the late 1970s ... there were more than one million back-to-the-landers practicing semi-subsistence agriculture on marginal farmland in rural Canada and the United States. These smallholders are well-educated urban expatriates ... typically they have at least one member of their families

²⁹⁸ *Id.* at 505-6.

²⁹⁹ WEBSTER'S NEW WORLD DICTIONARY, *supra* note 165, at 82.

³⁰⁰ *Id.* at 82.

³⁰¹ Jeffery C. Jacob, *The North American Back-to-the-Land Movement*, 31 COM. DEVELOPMENT JOUR. 3, 241 - 242 (July 1996).

employed full-time, who then in his or her off-hours joins the rest of the family in its agricultural vocations and avocations.”³⁰²

C.1.1.4. Counter-Modernization

“Counter-” meaning “in a contrary direction, manner, etc.; in opposition; opposite”³⁰³ coupled with “modernization” meaning “to make modern, bring up to date in style, design methods, etc.” as “to adopt modern ways; become modern.”³⁰⁴ For this report, the term is used to describe the pursuit of contrary (resistive) methods of adopting modern ways or to become modern.

C.1.1.5. Decoding

Decoding as a Deleuzean concept is important in that this process is of the utmost importance as the primary end of minor production, whereby the enunciation of adverse minority political protagonists inherently highlights the bias and previously coded/hidden preferences for existing power mechanisms which reify a hierarchy unnecessarily reliant on assumed patterns of behavior. Under a standard dictionary meaning, decoding is “to translate (a coded message) into ordinary, understandable language”³⁰⁵

C.1.1.6. Deep Ecology

The Encyclopedia of Environmental Ethics and Philosophy has an extensive and detailed definition of Deep Ecology that is fitting for this report:

Deep ecology in its narrow academic sense rests on two fundaments: an axiology (the study of the criteria of value systems in ethics) of “biocentric egalitarianism” and an ontology (the study of existence) of metaphysical holism which asserts that the biosphere does not consist of discrete entities but rather internally related individuals that make up an ontologically unbroken whole. ... The first principle, biocentric egalitarianism - known also by other phrases that combine biocentric, biospherical, and ecological with equality and egalitarianism - holds that biota have equal intrinsic value; it denies differential valuation of organisms. ... The valuing of human beings over other life forms in the teleology of a great chain of being has been a key feature of the European–North American intellectual tradition - and, to the dismay of deep ecologists, also a feature of some prominent variants of environmental ethics. Biocentric egalitarianism aims directly at this target. By

³⁰² *Id.*

³⁰³ WEBSTER'S NEW WORLD DICTIONARY, *supra* note 165, at 316.

³⁰⁴ *Id.* at 871.

³⁰⁵ *Id.* at 359.

denying humans special moral consideration, Deep Ecology is not just *nonanthropocentric*, but *anti-anthropocentric*.³⁰⁶

The second principle is metaphysical holism. One can apprehend ontological interconnectedness through enlightenment or “self-realization.” As Fox says, “It is the idea that we can make no firm ontological divide in reality between the human and the nonhuman realms. . . . [T]o the extent that we perceive boundaries, we fall short of deep ecological consciousness.” Through this awakening, the ontological boundaries of the self extend outward, incorporating more and more of the lifeworld into the self. ... This method of self-realization is identification: By recognizing the intrinsic worth of other living beings, one recognizes the solidarity of all life forms. ... Once ontological boundaries between living beings are recognized as illusory, one realizes that biospherical interests are one’s own. ... [T]he change is a spiritual one, thinking like a mountain, sometimes referred to as “Deep Ecology.” “The search ... is not for environmental ethics but for ecological consciousness.”³⁰⁷

C.1.1.7. Deterritorialization

Deterritorialization is an important concept for evaluating minor production in both literature and the built environment. According to Deleuze and Guattari’s *A THOUSAND PLATEAUS* “Deterritorialization is the movement by which ‘one’ leaves the territory,”³⁰⁸ that being a process of voiding the political potency of the major language’s territorial influence.³⁰⁹

In respect to the fundamental “deterritorialization” characteristic of minor production, there are two aspects important for appropriately identifying this characteristic according to development. First, minor production necessarily must occur in a place or territory that has been deterritorialized. Such prior territorial deterritorialization may have natural, political or otherwise man-made causes, including but not limited to major political regime change, landslides, earthquakes, cultural reconfiguration or desertification. Second, minor production after manifestation must characteristically cause further outside/fringe deterritorialization by mere existence. As a minor product is facially a political proclamation of difference, the robust existence of such an alternative political position in the milieu of the dominant culture has an impact on power transition in terms of continued dominance. In other words, as the minor actors are essentially critical protagonists, their criticism has the effect of continuing to decode, persuade and challenge an existing pre-ordained dominant power mechanism, incrementally evacuating such power foundations as long as the minor actors are allowed and able to continue.

³⁰⁶ David R. Keller, *Deep Ecology*, *ENCYCLOPEDIA OF ENVIRONMENTAL ETHICS & PHIL.*, 206 - 207 (2nd ed., 2008).

³⁰⁷ *Id.*

³⁰⁸ DELEUZE & GUATTARI’S *A THOUSAND PLATEAUS*, *supra* note 22, at 508.

³⁰⁹ *Id.*

C.1.1.8. Diaspora

Webster's New World dictionary defines "Diaspora" as: "*n. 1. a) the dispersion of the Jews after the Babylonian exile b) the Jews thus dispersed c) the places where they settled n. 2. any scattering of people with a common origin, background, beliefs, etc.*"³¹⁰

C.1.1.9. DIY: Do-It-Yourself

DIY is an acronym for "do-it-yourself," defined as: "*n. the practice of constructing, repairing, redecorating, etc. by oneself instead of hiring another to do it - adj. of, used for, or engaged in do-it-yourself.*"³¹¹

C.1.1.10. Dominant Culture

"Dominant" is defined by Webster's New World Dictionary as "exercising authority or influence; dominating; ruling; prevailing;"³¹² in ecological terms, the dominant is "that species or plant or animal most numerous in a community or exercising control over the other organisms by its influence upon the environment." A culture is "*a) the ideas, customs, skills, arts, etc. of a people or group, that are transferred, communicated, or passed along, as in or to succeeding generations b) such ideas, customs, etc. of a particular people or group in a particular period, civilization.*"³¹³ Coupled together, the *dominant culture* is a conceptual term of art that references the ruling or prevailing ideas, customs, skills passed down to succeeding generations and indicative of a particular period or civilization.

C.1.1.11. Enunciation

As the primary purpose of minor production, to enunciate is "to state definitely; express in a systemic way;" or "to announce; proclaim."³¹⁴

³¹⁰ WEBSTER'S NEW WORLD DICTIONARY, *supra* note 165, at 381.

³¹¹ *Id.* at 404.

³¹² *Id.* at 405.

³¹³ *Id.* at 337.

³¹⁴ *Id.* at 454.

C.1.1.12. Environmental Justice

“‘Environmental justice’ refers to the fair and equitable treatment of people, regardless of race and income level, in the implementation of environmental laws, regulation, and policies.”³¹⁵

C.1.1.13. Equity

“Equity” is a legal term of art that is defined in Black’s Law Dictionary as: “*n.* **1.** Fairness; impartiality; evenhanded dealing <the company’s policies require managers to use equity in dealing with subordinate employees>. **2.** The body of principles constituting what is fair and right; natural law <the concept of “inalienable rights” reflects the influence of equity in the Declaration of Independence>. **3.** The recourse to principles of justice to correct or supplement the law as applied to particular circumstances <the judge decided the case by equity because the statute did not fully address the issue>. – Also termed *natural equity*.”³¹⁶

C.1.1.14. Exile

“Exile” is defined in Webster’s New World Dictionary as: “*n.* **1.** a prolonged living away from one’s country, community, etc., usually enforced; banishment, sometimes self-imposed **2.** a person in exile **3.** the span of time in exile.”³¹⁷

C.1.1.15. Exodus

“Exodus” is defined in Webster’s New World Dictionary as: “*n.* a going out or forth, esp. in a large group **1.** the departure of the Israelites from Egypt (with *the*) **2.** the second book of the Pentateuch in the Bible, which describes this and gives the law of Moses.”³¹⁸

C.1.1.16. Home

“Home” is defined in Webster’s New World Dictionary as: “*n.* ... *a)* the place that is the natural environment of an animal, plant, etc. *b)* the place where something is or has been originated, developed, etc. ... *adj.* ... *b)* of one’s country, government, etc.; domestic (opposed to foreign) *c)* of or at the center of activity or operations [home office].”³¹⁹ Important for Deleuzian concepts

³¹⁵ BASS, HERSON & BOGDAN’S NEPA BOOK, *supra* note 81, at 147.

³¹⁶ BLACK’S LAW DICTIONARY, *supra* note 159, at 560.

³¹⁷ WEBSTER’S NEW WORLD DICTIONARY, *supra* note 165, at 476.

³¹⁸ *Id.* at 477.

³¹⁹ *Id.* at 645.

of expressing minor products, the *home* is important as a sanctuary for political enunciation that could be perceived as offensive to the dominant culture. Here, the authors define the *home* for minor production in this manner:

Discover the territorial assemblage of someone, human or animal: “home.” The territory is made of decoded fragments of all kinds, which are borrowed from the milieus, but assume the value of “properties”... Inasmuch as they are territorial, assemblages still belong to the strata.³²⁰

C.1.1.17. Linguistic Expression

Expanding the basis of language beyond simply the conveyance of knowledge, Deleuzian concepts necessitate a linguistic appreciation for expressions of power imbedded in different functions and intentions of written, symbolic or audible speech. Webster’s New World dictionary defines *general linguistics* as: “the study of the structure, development, etc. of a particular language and its relationship to other languages.”³²¹ Further, the dictionary defines *linguistic form* as: “a meaningful unit of speech, as a morpheme, word, phrase, sentence, etc.”³²² Employing linguistic study, Deleuzian concepts employ language categories (vernacular, vehicular, mythic and referential) to compare the political meanings in relationship to other languages and language categories. The authors describe the importance of linguistic political study in that “because the study of the functions in distinct languages alone can account for social factors, relations of force, diverse centers of power, it escapes from the ‘informational’ myth in order to evaluate the hierarchic and imperative system of language as a transmission of orders, an exercise of power or of resistance to this exercise.”³²³

C.1.1.18. Major

In terms of the given study, findings and report, the term “major” refers to the existing dominant power form expressed in the given cultural milieu. “Major” is defined in Webster’s New World Dictionary as: “*a*) a greater in size, amount, number, or extent *b*) greater in importance or rank.”³²⁴ Examples of “major” monumental forms of urban-architectural design include the *Grands travaux* of Paris realized during the reign of Napoleon III, the 1971 urban plan for Washington, D.C. by Pierre Charles L’Enfant, or Brasília designed by Lúcio Costa, Oscar

³²⁰ *Id.* at 505-6.

³²¹ *Id.* at 787.

³²² *Id.* at 786.

³²³ DELEUZE & GUATTARI’S KAFKA, *supra* note 29, at 23.

³²⁴ WEBSTER’S NEW WORLD DICTIONARY, *supra* note 165, at 816.

Niemeyer and Roberto Burle Marx. Most mainstream design is considered of major design, reifying dominant sources of commercial, governmental and cultural norms.

C.1.1.19. Minor

In terms of the given study, findings and report, the term “minor” refers to a collected minority power form that has resiliently avoided total disenfranchisement in furtherance of a marginalized population’s desire for specific political ends. In terms of literature, Deleuzian concepts outline the importance and fundamental appropriateness of the written word in expressing such desires:

It is literature that produces an active solidarity in spite of skepticism; and if the writer is in the margins or completely outside his or her fragile community, this situation allows the writer all the more the possibility to express another possible community and to forge the means for another consciousness and another sensibility...³²⁵

Further, Deleuze and Guattari explain that “minor literature doesn’t come from a minor language; it is rather that which a minority constructs within a major language” as a political, collective proclamation against the reifying paradigm of the dominant culture.³²⁶ So as to distinguish minor types of literature from major forms, the Deleuzian *Kafka* framework explains that there are three characteristics of a minor literature. First, the major language is affected with a high coefficient of deterritorialization, that being a process of voiding the political potency of the major language’s territorial influence.³²⁷ Second, everything written in the expression is political by direct literary exercise of the author.³²⁸ Put another way, the expression itself connects the individual reader directly to a political immediacy as advocated by the author and their disenfranchised community.³²⁹ Finally, everything written in the expression takes on a collective value,³³⁰ one that is a common enunciation for the marginalized population it represents in the attempted power reconfiguration (reterritorialization) of the major language.³³¹

This report is an analogical application of the Deleuzian *Kafka* framework upon select cases of the built environment. After application and analysis, it can be determined whether a minor

³²⁵ DELEUZE & GUATTARI’S *KAFKA*, *supra* note 29, at 17.

³²⁶ *Id.*

³²⁷ *Id.*

³²⁸ *Id.*

³²⁹ *Id.* at 18.

³³⁰ *Id.* at 16.

³³¹ *Id.* at 18.

architecture is possible in like political potency and enunciative value as found for literature and demonstrated in Franz Kafka's literature as per Deleuzean discourse.

C.1.1.20. Mythic (linguistic category)

Under the Deleuzean *Kafka* framework, the mythic linguistic category is defined in the following manner: "...mythic language, on the horizon of cultures, caught up a spiritual or religious reterritorialization...; mythic language is [has a spatiotemporal category of] *beyond*."³³²

C.1.1.21. Nuisance

Employed as a legal term of art, a "nuisance" is defined by Black's Law Dictionary as: "A condition or situation that interferes with the use or enjoyment of property. Liability might or might not arise from the condition or situation."³³³ Further, "a 'nuisance' is a state of affairs. To conduct a nuisance is a tort... The general distinction between a nuisance and a trespass is that the trespass flows from a physical invasion and the nuisance does not."³³⁴

C.1.1.22. Overcoding

WEBSTER'S NEW WORLD DICTIONARY defines "over" and "code" as appropriate to this study in the following manner: "**over-** ... *b*) superior, eminent [*overlord*] ... **4** across the surface of [*overgrowth, overprint*]"³³⁵ ... "**code 1** a body of laws, as of a nation or city, arranged systemically for easy reference **2** any set of principles or rules of condition [a moral *code*] **3 a**) a set of signals representing letters or numerals, used in sending messages, as by telegraph, flags, or heliograph *b*) short for GENETIC CODE **4 a**) a system of symbols used as in secret writing or information processing, in which letters, figures, etc. are arbitrarily given certain meanings *b*) the symbols used in such a system."³³⁶ Deleuzean concepts outline the inherently biased manner in which all unity is found by employing the overcoding mechanism for reified consistency:

The notion of unity (*unite*) appears only when there is a power takeover in the multiplicity by the signifier or a corresponding subjectification proceeding: This is the case for a pivot-unity forming the basis for a set of biunivocal relationships

³³² DELEUZE & GUATTARI'S *KAFKA*, *supra* note 29, at 23.

³³³ BLACK'S LAW DICTIONARY, *supra* note 159, at 1093. Definition is a quotation from the infamous *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 388, 47 S.Ct. 114, 118 (1926) which coined the phrase: *A nuisance maybe merely a right thing in the wrong place, like a pig in the parlor instead of the barnyard.*

³³⁴ *Id.* This is specifically quoted from ROGER A. CUNNINGHAM, *THE LAW OF PROPERTY*, 417 (2nd ed., 1993).

³³⁵ WEBSTER'S NEW WORLD DICTIONARY, *supra* note 165, at 963.

³³⁶ *Id.* at 270.

between object elements or points, or for the One that divides following the law of a binary logic of differentiation in the subject. Unity always operates in an empty dimension supplementary to that system considered (overcoding).³³⁷

Bruce Caron further outlines the meaning of “overcoding” in this manner:

“Overcoding” is the practice of applying meaning/values from one discursive field to others. This is where power connects with knowledge to create codes that dominate not only their own discursive field, but others as well. This may occur through active institutional programs which insist that their scope is universal. Religions, such as Christianity or Islam, may be promoted in this fashion, overcoding discourses of diseases, of sexuality, of economies, and political behaviors, etc.

But meanings/values may also spread as individuals apply these without reflexive attention to their useful limits. Overcoding happens at the reception side as well. Meanings/value judgments about sexual gender, for example, may be applied to circumstances where this notion, upon reflection, is at best an arbitrary feature. But then a history of overcoding configures the space within other discourses so that this imaginable arbitrariness becomes masked by everyday practices that avoid just this imagination.³³⁸

C.1.1.23. Physio-logical evaluation

Based on the resource categorization and overlap methods pioneered by Ian McHarg,³³⁹ a physio-logical evaluation employs those urban resource definitions created by the interdisciplinary legal doctrines to systemically categorize, identify and measure expressions undertaken by a subject community under study (i.e. National Environmental Policy Act or the California Environmental Quality Act). Categories of urban resource expression used in this study include aesthetics, agricultural, air quality, biological, cultural, economic & commercial, geology & soils, hazards & hazardous materials, hydrology & water quality, land use planning, mineral resources, noise, population & housing, public services, recreation, transportation & traffic, and utilities & service systems (*See TABLE 6*). According to the aims of this study and published report, all urban expression undertaken by the study community have been characterized based on either targeted responsiveness to the nuisance of global modernization [nuisance], responsiveness to existing site conditions [site], or other necessities [other] employed in furtherance of the design of the subject community’s urban form. After categorization, the physical space employed for each resource is then tabulated for comparison and a holistic reading of communal action per the built environment.

³³⁷ DELEUZE & GUATTARI’S A THOUSAND PLATEAUS, *supra* note 22, at 8.

³³⁸ Caron, *supra* note 173.

³³⁹ IAN L. McHARG, DESIGN WITH NATURE, 103 – 115 (1969).

C.1.1.24. Referential (linguistic category)

Under the Deleuzean *Kafka* framework, the referential linguistic category is defined in the following manner: “...referential language, language of sense and of culture, entailing a cultural reterritorialization...; referential language is [has a spatiotemporal category of] *over there*.”³⁴⁰

C.1.1.25. Reterritorialization

Reterritorialization is a process by which the decoded territory can now be re-coded under an alternative language structure. “Deterritorialization may be overlaid by a compensatory reterritorialization... anything can serve as a reterritorialization, in other words, “stand for” the lost territory...”³⁴¹

C.1.1.26. Rhizome / Rhizomatic

Presented as an antonym to arborist methods of cultural production, the rhizome naturally empowers minor protagonists as their intended product “begins by expressing itself and doesn’t conceptualize until afterward.”³⁴² As Kafka wrote in his diaries in 1910: “I do not see the word at all, I invent it.”³⁴³ Deleuzean concepts envision that the protagonist must “enter, then, by any point whatsoever; none matters more than another, and no entrance is more privileged even if it seems an impasse, a tight passage, a siphon.”³⁴⁴ Without pre-ordained methods of appropriate cultural development:

A rhizome ceaselessly establishes connections between semiotic chains, organizations of power, and circumstances relative to the arts, sciences, and social struggles.³⁴⁵ ... A rhizome may be broken, shattered at a given spot, but it will start up again on one of its old lines, or on new lines. You can never get rid of ants because they form an animal rhizome that can rebound time and again after most of it has been destroyed.³⁴⁶

C.1.1.27. Self-Help

By definition, the self-help remedy is an extrajudicial remedy, to be sought outside the courts, usually executed by the complainant’s own actions.

³⁴⁰ DELEUZE & GUATTARI’S *KAFKA*, *supra* note 29, at 23.

³⁴¹ *Id.* at 508-9.

³⁴² *Id.* at 28.

³⁴³ *Id.* at 28.

³⁴⁴ *Id.* at 3.

³⁴⁵ DELEUZE & GUATTARI’S *A THOUSAND PLATEAUS*, *supra* note 22, at 7.

³⁴⁶ *Id.* at 9.

remedy, n. 1. The means of enforcing a right or preventing or redressing a wrong; legal or equitable relief. **2.** REMEDIAL ACTION. – **remedy, vb.** Cf. RELIEF.³⁴⁷

self-help remedy. See *extrajudicial remedy*.³⁴⁸

extrajudicial remedy. A remedy not obtained from a court, such as repossession. – Also termed *self-help remedy*.³⁴⁹

One common and typical self-help remedy is property (real or personal) repossession. Inherently, self-help is a process of seeking fairness outside the normal form of justice usually provided by typical institutional mechanisms. Self-help codifies this anomaly of remedial process as it pertains to real situations in terms of history, politics and society. As any individual or community employs measures to practice minor production, in essence, they are executing their own rights in search of securing a self-help remedy.

C.1.1.28. Strata / Stratum

Put simply, the strata is a term employed under Deleuzean concepts to explain and describe how the dominant culture can be encompassed within a unified layered and multi-scalar membrane. In Deleuze and Guattari's *A THOUSAND PLATEAUS*, the authors explain that "a given stratum retains a unity of composition in spite of the diversity in its organization and development. The unity of composition relates to formal traits common to all of the forms or codes of a stratum, and to substantial elements, materials common to all of the stratum's substances or milieus."³⁵⁰ In more direct descriptive language, they write that:

Strata are Layers, Belts. They consist of giving form to matters, of imprisoning intensities or locking singularities into systems of resonance and redundancy, or producing upon the body of the earth molecules large and small and organizing them back into molar aggregates. Strata are acts of capture, they are like "black holes" or occlusions striving to seize whatever comes within their reach. They operate by coding and territorialization upon the earth; they proceed simultaneously by code and by territoriality.³⁵¹

C.1.1.29. Tactics

So as to clearly define and outline the multitude of methods potential minority protagonists have employed to pursue their collective political desires, the term "tactics" has been adopted so as to

³⁴⁷ BLACK'S LAW DICTIONARY, *supra* note 159, at 1296.

³⁴⁸ *Id.* at 1297.

³⁴⁹ *Id.*

³⁵⁰ DELEUZE & GUATTARI'S *A THOUSAND PLATEAUS*, *supra* note 22, at 502.

³⁵¹ *Id.* at 40.

codify such ideologically-connected action. “Tactics” is defined in Webster’s New World Dictionary as: “**1 a)** the science of arranging and maneuvering military and naval forces in action or before the enemy, esp. with reference to short range objectives **b)** actions in accord with this science **2** any methods used to gain an end; esp., skillful methods or procedure.”³⁵²

C.1.1.30. Territory / Territorial

As distinct from national or otherwise dominant forms of jurisdictional breadth, the territory is presented as a contrasting bounded realm fitting for other inhabitation by non-dominant political collective populations. “Territory” is defined in Webster’s New World Dictionary as: “**1** the land and waters under the jurisdiction of a nation, state, ruler, etc. **2** a part of a country or empire that does not have the full status of a principal division; specification ... **5** a sphere or province of action, existence, though, etc.”³⁵³ Deleuze and Guattari describe the meaning of a territory in *A THOUSAND PLATEAUS* in this manner:

The territory is made of decoded fragments of all kinds, which are borrowed from the milieus by then assume the value of “properties”: even rhythms take on a new meaning (refrains). The territory is more than the organism and the milieu, and the relation between the two; that is why the assemblage goes beyond mere “behavior” (hence the importance of the relative distinction between territorial animals and milieu animals).³⁵⁴

C.1.1.31. Urban-Architectural Form

Presented as the architectural counterpart to the literary novel as employed by Franz Kafka, the urban-architectural form requires “the machinic indexes [to] organize themselves into a real assemblage that is self-sufficient.”³⁵⁵ Greater than a single building but less than a city, urban design has been executed through history as a means to promote cultural change which inherently asserts a political agenda for the built environment. These urban expressions specifically deal with the architectural nature of the city on a limited but purposeful basis. Further, they directly integrate the relationship between architectural detail, outdoor public spaces, and the existing landscape upon installation. Urban-architectural forms are collective endeavors that are universally initiated to modernize (or counter-modernize) in furtherance of (or reaction to) the ends of the dominant culture, specifically created to realize the political desire of a protagonist community.

³⁵² WEBSTER’S NEW WORLD DICTIONARY, *supra* note 165, at 1362.

³⁵³ *Id.* at 1382.

³⁵⁴ DELEUZE & GUATTARI’S *A THOUSAND PLATEAUS*, *supra* note 22, at 504.

³⁵⁵ DELEUZE & GUATTARI’S *KAFKA*, *supra* note 29, at 38.

C.1.1.32. Vehicular (linguistic category)

Under the Deleuzean *Kafka* framework, the vehicular linguistic category is defined in the following manner: “... vehicular, urban, governmental, even worldwide language, a language of businesses, commercial exchange, bureaucratic transmission, and so on, a language of the first sort of deterritorialization...; vehicular language is [has a spatiotemporal category of] *everywhere*.”³⁵⁶

C.1.1.33. Vernacular (linguistic category)

Under the Deleuzean *Kafka* framework, the vernacular linguistic category is defined in the following manner: “...vernacular, maternal, or territorial language, used in rural communities or rural in its origins...; vernacular language is [has a spatiotemporal category of] *here*.”³⁵⁷

C.2. RESEARCH DESIGN: TESTING SELECTED CASES AS MINOR ARCHITECTURE

To test the possibility of a minor architecture according to the Deleuzean *Kafka* framework, three unique test methods have been employed to analyze each selected case. These tests include the primary form of analysis with an interpretative-historic evaluation, as well as two supplemental validating tests that include a physio-logical resource evaluation and a correlative newspaper analysis. Below is a description as to how each test was applied to the selected cases and the threshold of satisfaction necessary to prove or disprove the existence of a minor architectural product.

C.2.1. Interpretive-Historical Method

In testing the framework’s application to realized urban production, an interpretive-historical analysis is the primary method of evaluation. Due to the critical nature of minority desire as well as the inherent collective position outside the normative bounds of cultural understanding, minor architectural expression may only be potentially legible from within the community’s frame of reference. In other words, the interpretive-historical method must be the primary method of qualitative analysis as it is the only reliable method of knowing, understanding and describing a cultural position found outside normative bounds of appropriate expression.

³⁵⁶ *Id.* at 23.

³⁵⁷ *Id.* at 23.

Researching and understanding the possibility of a minor architecture through the lens of time, each selected case has been evaluated to test the hypothesis primarily using the interpretive-historical method. Interpretive-historical research is an “investigation into social-physical phenomena within complex contexts, with a view towards explaining those phenomena in narrative form and in a holistic fashion.”³⁵⁸ Research production has been performed in the normal sequence methodology in four phases, including data collection, organization of the data, evaluation, and a final narration after interpretation.³⁵⁹

In producing a narrative, a focus has been placed on the built environment through its temporal development in relation to globalization. Evidence included all those historical artifacts and products available, including but not limited to treatises, legal documents, state statutes, national statutes, international conventions, physical structures, survey documentation, buildings, built urban space, and a representational model created of the built environment for each case under study. To insure an appropriate representation has been made using traditional research materials, an onsite review of each of the real case study locations was undertaken so as to verify existing site conditions. A site survey at an appropriate urban scale per case has been either been copied from official sources or created for thorough evaluation. This survey has been used for verification and analysis as it concerns the existing urban settings as well as the language of the built environment expressed by the marginalized population.

As this method has been employed to qualitatively interpret the community from the vantage of the dominant culture, the interpretive-historical method documents the successive iterations of global and reflexive minority (counter-) modernization. Through interpretation of historical events specific to each sample, the hypothesis is tested in three parts:

Has the marginalized population:

- (1) Employed an urban-architectural form in their response to the nuisance of the dominant culture’s method or form of global modernization?
- (2) Sought to remedy that nuisance with a minor expression of the built environment?
- (3) Produced an assemblage as a “home” for the minority community?

³⁵⁸ GROAT & WANG, *supra* note 1, at 136.

³⁵⁹ *Id.* at 137.

C.2.1.1. Threshold of Significance Necessary to Prove/Disprove Minor Architecture

First, it must be established through historic interpretation that an urban-architectural form was established by the community in reaction to the impacts of the dominant culture. Second, a rhizomatic process of collective action must be persuasively established given the historic, real and legal evidence provided. Third, an evaluation must persuasively exhibit that the three characteristics of minor production (deterritorialization, connection of individual to politics, and enunciation of minority) are exhibited in the selected case in order to validate the case's status as a product of minor architectural design. Finally, in reflection of the central focus of achieving environmental justice, an evaluation must persuasively exhibit the Deleuzian tetravalent condition of the assemblage, a condition that enables the decoding of both the dominant and contrasting minority culture's physical territory so as to enable collective equity.

As a null hypothesis, if an urban-architectural form is not employed by a marginalized population, then an exhibition of minor architecture is not possible. Second, if a rhizomatic process to realize the built environment has not been employed generally, then an exhibition of minor architecture is not possible. Third, if the urban-architecture form does not align with the three characteristics of minor production (deterritorialization, connection of individual to politics, and enunciation of minority), then an exhibition of minor architecture is not possible. Finally, if the resultant urban-architectural form does not exhibit the resultant tetravalent condition of an assemblage, then an exhibition of minor architecture is not possible. If any one of these four general interpretive-historical categories has not been satisfied, then the entire case is not a valid exhibition of minor architecture.

C.2.2. Physio-Logical Evaluation

In order to bolster the reliability of the findings after employing a traditional interpretive-historical analysis, two supplemental methods of research analysis on each case study were conducted. First, each urban-architectural form has been evaluated from an environmental physio-logical perspective. Second, each case was evaluated based on a correlational analysis of mainstream newspapers as such news outlets have reported the actions of the selected marginalized populations in relation to the dominant culture's endeavors to modernize.

Simply put, if a marginalized community wishes to physically express their objection to normative methods in the built environment, those realized urban resources undertaken by the critical community should align with that intentional statement of difference. So as to effectively

measure the success of the selected communities in expressing their desired complaints in “bricks and mortar,” a physio-logical evaluation has been undertaken, whereby all urban-architectural resources employed by the community are categorized and tabulated as per collective political aims. Once such resources are tabulated, if more than a super-majority (66%) of the urban resources as produced reflects measures of minority reaction against dominant norms, then the urban-architectural form has persuasively reflected a minor architectural design in the realized built environment.

In developing an applicable physio-logical evaluation for measuring each urban-architectural form, the writings of Ian McHarg and subsequent legal doctrines of interdisciplinary evaluation based on his techniques have been employed.³⁶⁰ These doctrines create a system of categorization, identifying the full range of nuisance opportunities endemic to global modernization. As the California Environmental Quality Act has legal jurisdiction in three of the six cases selected, this body of test characteristics has been used as the primary checklist to quantify land use and built urban expression (See **TABLE 6**).

In carrying out this physio-logical evaluation, all land use and built expression undertaken and utilized by the minority community has been characterized based on either its targeted responsiveness to the nuisance of global modernization [nuisance], its responsiveness to existing site conditions [site], or other necessities [other] employed in furtherance of the design of the urban-architectural form. After categorization, land use and built areas were tabulated for comparisons in terms of what has been built in response to what was perceived as a nuisance of global modernization. This categorization and tabulation thereby allows for a newfound legibility of the urban-resource expression as per execution of communal aims.

C.2.2.1. Threshold of Significance Necessary to Prove/Disprove Minor Architecture

So as to persuasively validate a finding of minor architectural production, at least a super-majority (66%) of the urban spaces must be utilized strictly for nuisance amelioration. Any urban space use below a super-majority threshold is not of such a significant value to convincingly assert that community has undertaken such an urban-architectural form strictly to counteract the negative impacts suffered under iterations of modernization perpetuated by the dominant culture.

³⁶⁰ See McHARG, *supra* note 339, at 103 - 115.

TABLE 6. CEQA Categories, Nuisance Focus & Examples in the Built Environment

Resource Category³⁶¹	General Focus of Nuisance Causation or Amelioration	Example in Built Environment
Aesthetics	Degrade/Improve existing visual character	Design Review District
Agricultural Resources	Destroy/Creation of Agricultural Production Uses	Greenhouse
Air Quality	Increased/Diminished Exposure to Poor Air Quality Conditions	Open Space Reserve
Biological Resources	Interference/Rehabilitation of Biological Resources	Wetland Swells
Cultural Resources	Interference/Rehabilitation of Cultural Resources	Historic Property
Geology & Soils	Exposure/Avoidance of Threat of Geologic Instability	Retaining Wall
Hazards & Hazardous Materials	Creation/Avoidance of Public Hazard	2-Hour CMU Blast & Fire Wall
Hydrology & Water Quality	Exposure/Avoidance of Threat based on Water Utilization	Flood Levee
Land Use Planning	Division/Unification of Unique Land-based Bodies	Habitat Conservation Land Preserve
Mineral Resources	Loss/Management of Unique Mineral Resources	Existing Mine
Noise	Exposure/Protection from Noise Hazards	Airport Overlay Zone Forbidding Residential Uses
Population & Housing	Induction/Avoidance of Dramatic Population Movement or Changes	Multifamily Housing
Public Services	Loss/Creation of increased Public Service Coverage	Hospital
Recreation	Loss/Creation of Recreational Opportunities	City Park
Transportation & Traffic	Increased/Diminished Exposure to Traffic Nuisance	Roadway
Utilities & Service Systems	Increased/Diminished Capacity of Service Systems	Sewage Treatment Plant

As a null hypothesis, if after the physio-logical evaluation has been undertaken and less than a super-majority (below 66%) has been utilized for nuisance amelioration, then a validation of any purported exhibition of the minor architecture has not been satisfied. This lack of a super-majority does not, however, nullify any previous finding of minor architecture as found employing the Deleuzian *Kafka* framework. Rather, finding that less than a super-majority

³⁶¹ RONALD BASS, ALBERT HERSON & KENNETH BOGDAN, CEQA DESKBOOK, 43 (1999).

(66%) share of the urban resources is utilized for nuisance amelioration simply prevents a secondary validation of the findings of the previous interpretive-historical analysis.

C.2.3. Correlative Newspaper Analysis

For those select communities who are able to enunciate their complaints regarding the dominant culture in such a manner so as to receive substantial news reporting, and in addition, if such complaints of environment injustice have their focal delivery from a place of minor architecture, a correlation between the minority political complaint and the urban-architectural form as place-origin of such complaint should be present. Further, as the whole intention of any minor production is the enunciation of injustice, underlying the success of an object of minor architecture is a bolstered legibility of political activism on behalf of the collective community. So as to test this legibility of minority complaint by the dominant culture, a newspaper correlative analysis is employed to measure the reflective real-world congruence of the urban-architectural form as per the intended enunciative value of the politically-charged unit of the built environment. If a majority (50%) of the news emanating from the place-origin of a selected urban-architectural form has the impact of enunciating the political desires of the minority community all the while connecting that place with such collective aims, then such a correlation persuasively exhibits the effective enunciation of collective desire as expressed by the built environment itself. In addition, with satisfaction of such a newsworthy legibility of minority political issues as per a proven correlation with the built environment, beyond simply bolstering a finding of minor architectural expression, such a finding as well evidences an established maturity of the minority collective endeavor in the built environment.

In order to conduct this correlative evaluation, a review of mainstream newspapers concerning the actions of each minority community as reported in the news from the beginning of acute marginalization until the present is undertaken, whereby evidence for this technique is harvested from a comprehensive archive search of at least two major newspapers per case study. An exception to this two-paper survey is the Bartertown case, as in review of the newsprint regarding the film *MAD MAX BEYOND THUNDERDOME*, it was only logistically possible to review a full archive of the *NEW YORK TIMES*. First, the *NEW YORK TIMES* is surveyed for all cases. Second, an alternative regional mainstream paper is surveyed (if available) to confirm and contrast the findings of the *NEW YORK TIMES* search.

After all articles were collected, the evidence was organized and presented so as to verify or highlight inconsistencies as it concerns the findings of each case study. Entailed in the

organization, a system of evidentiary coding was applied to all applicable articles that discussed both the marginalized population and the real property location they inhabited as directly referenced in the case study (*See* **TABLE 7**). Each article was reviewed for word phrase “triggers” or evidentiary “incidents” that, after tabulation, potentially express correlative relationships between the marginalized population, the built environment, and reflexive developments by the marginalized population in response to the dominant culture’s actions of modernization.

TABLE 7. Newspaper Correlation Categories & Coding Description

Correlation Category	Example of Correlation Incident for Coding	Coding Symbol (in red)*
“Home” of Nuisance Enunciation	Correlation between geophysical location as defined in newsprint with discussion of nuisance perpetuated by dominant culture	n/a
Nuisance	Words such as invasion, collapse, occupation, dismissal	Underline
Response	Action verbs including flee, died, vandalized, marched	Circle
Equity	Script concerning accords between outside agencies from community under study	Square
Representation	Proper identification of organizational representation such as "Tibetan Youth Congress" or the "Isla Vista Community Council"	Cloud

** After one incident of each category per article, coding was no longer continued throughout.*

C.2.3.1. Threshold of Significance Necessary to Prove/Disprove Minor Architecture

So as to persuasively validate a finding of minor architectural production, at least a majority (50%) of all news harvested regarding the “home” of the tested case must correlate with the primary issue of political significance espoused by the community suffering marginalization. Although the nuisance, response, equity and representation triggers were employed to evaluate in detail the density of minority enunciation, the most important threshold of significance is the actual correlational relationship between the geophysical place of the urban-architectural form and the newsworthy report of nuisance “complaint” by its collected residents.

As a null hypothesis, if after the correlative newspaper analysis has been undertaken it is found that less than a majority (below 50%) of the newsprint from both averaged newspaper sources can associate the geophysical place of the urban-architectural form with the nuisance “complaint” of greatest concern, then a validation of any purported exhibition of the minor architecture has not been satisfied. This lack of a majority does not, however, nullify any previous finding of minor architecture as found employing the Deleuzian *Kafka* framework. Rather, finding that less than a majority (50%) share of the news emanating from the geophysical place of the urban-architectural form concerns the nuisance “complaint” simply prevents a third validation of the previous findings and casts further doubt on the value of the select case as an exhibition of minor architectural production.

TABLE 8. Case Selection According to Tetralinguistic Model

Case Sample	Language Employed by Minority	Real or Cinematic	Proposed Desire w/ Minor Expression of Architecture
Bartertown	Vehicular	Cinematic	Commercial & Bureaucratic Reterritorialization
Tibetan Government-in-Exile	Vehicular	Real	Bureaucratic Reterritorialization
Student Bonfire	Mythic	Real	Spiritual Reterritorialization
Isla Vista Recreation & Park District	Vernacular	Real	Place-Origin Reterritorialization
City of Arcata	Referential	Real	Cultural Reterritorialization
House on Paper Street	Vernacular	Cinematic	Place-Origin Reterritorialization

C.3. CASE SAMPLE SELECTION

Deleuze and Guattari have adopted a tetralinguistic model of language categorization for characterizing minor production. These four categories include the vernacular, vehicular, referential and the mythic.³⁶² As there are an undetermined number of communal forms of the built environment created to counteract the expansive nuisance of global modernization, sampling for an initial analysis has been one of a deliberate selection rather than of a random or comprehensive survey. For this paper, at least one case sample of each language category that appears on the surface to be a potential minor enunciation of political difference in the built

³⁶² DELEUZE & GUATTARI'S *KAFKA*, *supra* note 29, at 23.

environment has been selected for analysis in terms of testing the *Kafka* framework (See **TABLE 8**). The linguistic category of each case was only initially judged on a superficial level for selection. An actual determination as to the linguistic expression of each case required a thorough evidentiary review of the policies advocated, the actual built environment, and the intentions of the potentially minor community for confirmation. Initially, a few of the cases were especially difficult to categorize without an in-depth evaluation of the built environment and the policies employed to realize the resultant architectural expression. This deliberate sample selection is an important first step so as to develop a complete linguistic foundation for further minor architectural scholarship, and is fitting so as to simply answer the research question as to the mere possibility of minor architecture.

All cases as selected prior to analysis were perceived to have been created in reaction to globalization, a fact to be either proven or disproven after study. In other words, each case was conceptually developed to counter-modernize against the vehicular language imposed on the local population by the dominant culture. Four unique cases of the built environment that respond-by-development to the dominant language have been selected to fully evaluate each of the tetralinguistic categories. Those four cases include the Tibetan Government-in-Exile, the Student Bonfire, the Isla Vista Recreation & Park District, and the City of Arcata's Emergent Cannabis Community.

In terms of the Tibetan Government-in-Exile, as the title of their political movement implies, the Tibetan leadership has undertaken a counter-vehicular linguistic category for minor expression. As for the Student Bonfire, the spirited organization has reconstituted a mythic language of the built environment after the on-campus Aggie Bonfire tragedy of 1999. In Isla Vista, the Isla Vista Recreation & Park District has perpetually reterritorialized their ocean-side student ghetto into one expressing a vernacular architectural language. And finally, in terms of Arcata's pioneering cannabis community, minority civic leaders have for decades led the way in redefining the "Lost Coast" in terms of a referential language of the built environment.

In addition, two cinematic cases have been analyzed so as to test the validity of a minor architectural language as expressed in film, or rather, via the film-making process. This investigation stems from Somol's reference in his article that there is a direct link between both urbanism and cinema, whereas both are agents of a peace-time revolutionary politics conducted by other means than military violence.³⁶³ So as to test this possibility for future research and

³⁶³ Somol, *supra* note 12, at 797 (note 9).

scholarship, it is important to test whether film-generated expressions fit within the same framework of minor expression for the built environment.

The first cinematic case is “Bartertown” taken from the film MAD MAX BEYOND THUNDERDOME (1985). This case exemplifies my pre-analysis research expectations for a minor architecture, as it portrays a community exiled on a post-apocalyptic landscape. The second cinematic case was “The House on Paper Street” taken from the film FIGHT CLUB (1999). Of deeper interest in choosing either of these cases is the inherent investigation of film production as a component of minor built expression. As the film set was a living part of the built environment, having existed and sheltered the filmmakers for a specific duration in furtherance of their communal aims, these conditions present a possibility of minor expression. If either proves to be minor in process, a further question is posed as to the possibility of representing a collective, political enunciation against the dominant culture all the while performing as a commercially viable commodity within it.

Another major issue for choosing all six cases, physical and cinematic, was the accessibility of the researcher to the case evidence and materials. Deleuze and Guattari describe in their framework for a minor literature that the traditional *narrator-subject* relationship is lost and that the minor literature exists as “subjectless”.³⁶⁴ In other words, the narrator and subject are essentially performing as one as the expression itself collectively proclaims in favor of the minority community’s ends. This same dynamic was important for the selection of cases, as the researcher must have the ability to see and understand the minority’s collective politics all the while reporting within a mechanism of the dominant culture.

As Kafka held one foot in the dominant culture’s paradigm by writing for a global audience in furtherance of his own success, he had his other foot in the writer’s minority as he endeavored to redefine and subvert the established literary form. Here, the researcher must have one foot planted in the dominant culture’s paradigm all the while the other foot squarely on the soap box of the minority protagonist as subjective knowledge is necessary to “see” the redefined process of architectural production. The cases chosen enable a dual membership for the researcher in furtherance of such a hybrid breed of discovery, organization and narration. This issue of bias endemic to such a dual membership with both the dominant and the disenfranchised is discussed in each particular case study. Needless to say, this necessity to “see” from the inside excluded many groups that could be fruitful for research but inaccessible for the researcher in

³⁶⁴ DELEUZE & GUATTARI’S KAFKA, *supra* note 29, at 18.

terms of producing this paper. Including here are those cases that are based on race, sexual orientation or devout religious beliefs of which the researcher could not convincingly be a vested member in furtherance of research investigation.

C.4. VALIDITY THREATS

Architecture is interdisciplinary by nature. Due to this interdisciplinary bearing, measures of research quality can be difficult to categorize between the quantitative, qualitative, or the emancipatory.³⁶⁵ Quantitative research methods rely on a post-positivist research paradigm, whereby objectivity is important as an assumption exists that one reality is knowable within a range of probability.³⁶⁶ Qualitative research methods rely on an interpretive, or constructivist, research paradigm. This paradigm assumes an interactive link between researcher and the subject of research, accepting the existence of multiple socially constructed realities in the “real” world.³⁶⁷

Finally, emancipatory research methods, perhaps better known as critical theory³⁶⁸, assume like qualitative research methods that there is an interactive link between researcher and subject.³⁶⁹ Beyond the threshold of the qualitative endeavor, critical theorists expand on this link between the research and subject by asserting that all research *knowledge* as it is defined is socially and historically framed.³⁷⁰ Due to this more relative stance, critical theorists paradigmatically believe that multiple realities exist, shaped by social, political, and cultural values.³⁷¹ Critical theorists believe that all real knowledge is found outside accepted paradigms, and in fact, such accepted paradigms limit the breadth of research.

With three paradigmatic bases for reality that could apply to an architectural subject, from the outset, this research method must be defined clearly so as to purposefully avoid validity threats in execution. On this project, cases have been tested using typical qualitative research methods. These normal qualitative methods have been employed although the subjects themselves rely on a critical theorists’ foundation for continued resistance against dominant norms. In other words, even though a theoretical framework is applied that assumes that there are multiple realities shaped by social, political and cultural values; this investigation is undertaken from a position

³⁶⁵ *Id.* at 34.

³⁶⁶ *Id.* at 32.

³⁶⁷ *Id.*

³⁶⁸ *Id.* at 40.

³⁶⁹ *Id.* at 32.

³⁷⁰ *Id.*

³⁷¹ *Id.*

within the dominant culture's values so as to examine a critical approach to production. This research by design accepts the precondition that each group has its own version of reality, and attempts to study the manner in which each community has enabled their own viewpoint to be rationalized within an overarching framework of the dominant culture in furtherance of each subject's minor ends.

Also, even though the research may conceivably affirm the assumptions of the critical theorist, it does not rely on the critical theorist's framework of research for validity. Rather, the research relies on the more traditional qualitative research methods to explain, examine, and confirm the research design and findings. As such, findings must abide by the quality standards set out within an interpretive system of inquiry. These standards are evaluated in terms of four categories: credibility, transferability, dependability, and confirmability.

C.4.1. Credibility

Due to the underlying rejection of an objective viewpoint for truth and reality, the first step in avoiding validity threats with an interpretive paradigm of research is to establish truth value by taking into account the natural complexities inherent in the situation.³⁷² This establishment of truth value is termed *credibility* in interpretive research. Credibility in interpretive research requires a holistic approach to the research problem with a variety of data sources and a combination of data collection techniques. This independent variability promotes an active method of cross-checking data and interpretations. In addition, triangulating data and findings reassures the credibility of research findings concerning the problem.

This project attempts to avoid the usual threats to credibility as a multitude of data sources and techniques have been employed to establish and confirm the credibility of the findings of the research design. Here, the greatest threat to the credibility of the research design is that no common socially constructed reality is clear after the data, techniques and findings are complete. As this has been important for validity, application of research methods have been carried out to avoid filtering the data to "create" a reality as was expected.

A triangulated data and credible reality source has been executed with (1) traditional interpretive-historical sources, (2) a physio-logical evaluation of each case's built environment, and (3) a correlative study of newsworthy relationships between the marginalized population and

³⁷² *Id.* at 38.

the dominant culture. These three sources have been utilized so as to investigate the same subject from wholly different types of information disciplines: history, environment, and news. Traditional interpretive-historical sources, although potentially including both site surveys and newspapers, do not require a comprehensive study of either. Instead, this method requires a webbing together of those applicable sources as necessary to create a legitimate and convincing narrative within a conceivable sequence of time.

The second source, the physio-logical evaluation, requires a comprehensive review, categorization and comparison of all built elements within the defined urban-architectural form. This inherently insures there is no threat of researcher selectivity in choosing suggestive elements and neglecting others. Employment of this source of information insures against selectivity by requiring a complete environmental accounting of all physical elements created within the bounds of the physical study envelope. This complete set of built elements, as reflected against the narrative conceived from traditional interpretive-historic sources, shall align if truthful to create a common, credible reality.

TABLE 9. Newspaper Survey & Search Terms Per Case Sample

Case Sample	Newspapers Surveyed	Search Terms
Bartertown	New York Times	Mad Max Thunderdome
Tibetan Government-In-Exile	New York Times	Dharamsala
	Times of India (New Delhi, India)	Dharamsala
Student Bonfire	New York Times	Texas AND Bonfire
	Houston Chronicle	Aggie AND Bonfire
Isla Vista Recreation & Park District	New York Times	Isla Vista
	Los Angeles Times	Isla Vista
Arcata, California	New York Times	Humboldt County
	San Francisco Chronicle	Arcata
Fight Club	New York Times	Fight Club Palahniuk
	Los Angeles Times	Fight Club Palahniuk

Finally, the third source, the correlative newspaper study, requires a thorough, pure evaluation of the case's substance from the standpoint of the mainstream news. As there will be no arbitrary selectivity regarding the articles that exist in terms of the case, the complete *news* story that manifests in article sequence is independent of the other two sources of definition as it concerns the credible reality of each case (*See TABLE 9*). If the reality as distilled from the correlative study of mainstream news media aligns with the narrative conceived from traditional

interpretive-historical sources and the physio-logical evaluation, a clear assurance as to a common, credible reality for investigation and valid findings has been provided.

C.4.2. Transferability

With interpretive research, there is an expectation that a relative *transferability* is possible between like studies applied in differing settings or circumstance.³⁷³ As a first step in affirming the transferability of this research design, the cases selected for study are of a multitude of scales, are of a multitude of political temperatures, and each represent a unique linguistic category as defined by Deleuze and Guattari. Again, with employment of a triangulated procedure in defining the interpretive-historical method, transferability does not pose a serious threat to the validity of the findings of this project.

First, in employing the traditional sources and methods of an interpretive-historical method, history itself is the primary driver of research transference. In terms of this research, dramatic benchmarks have been sought in historical terms for analysis. Dramatic benchmarks include such things as international conventions, substantial human fatalities, national statutes, major movements of populations, and documented changes in the makeup of communities. These traditional interpretive-historical data sources improve the transferability for future research as they can be verified and agreed upon by multiple sources of historic information.

Second, in terms of the physio-logical evaluation, data sources and characterizations have been taken from the real built environment as well as other survey materials that directly reflect the conditions of the site of the case. Although the built environment does change with time as things are built and torn down, their record and the personal reconnaissance of the researcher allows a static “snapshot” in time for direct transferability to other settings, circumstances and future researchers. This snapshot is best evidenced with literal photos, personal notes, sketches, third-party engineering surveys, third-party treaties concerning the subject, and other such independent forms of site evidence.

Third, as the methods for the correlative news media study have been clearly outlined within each case analysis, literally any future researcher can undertake the very same study on this or an alternative setting or circumstance. The parameters and process for this correlative portion of the research design could even hold status under a scientific basis of objectivity, as the approach

³⁷³ *Id.* at 38.

meets a higher standard of external validity in application. With an appropriate article search based on like terms, the researcher can code and analyze exactly as was performed in this study.

C.4.3. Dependability

Although presupposing a complex world, interpretive research as employed does require a fundamental consistency within the data collected per case study type. Even so, this research endeavor does allow for apparent instabilities between different realities, or rather, between the types of interpretive research inquiries.³⁷⁴ As to interpretive research methods, the best manner in which to ensure dependability is to create an audit trail for the research data.³⁷⁵

By the very nature of the study as designed, an “audit trail” is inherent to undertake each step of analysis. In producing an audit trail regarding an interpretive-historical method, a focus has been placed on the built environment thru its temporal development in relation to globalization, categorized primarily based on the community’s politics, economy, society and development in terms of its architecture. For the physio-logical evaluation, the categories included are those that are outlined by the California Environmental Quality Act: aesthetics, agriculture, air, biology, culture, economics, geology/soils, hazards, hydrology, land use, mineral, noise, population/housing, public services, recreation, transportation and utilities. Organizing reference materials to validate the analysis in regards to this exhaustive list of issues for each case, in and of itself, creates a systemic form of an audit trail. And finally, as a universal coding process has been employed for all the newspaper media reviewed, the audit trail has been clearly outlined in the coding process itself. Those coded categories include nuisance, response, evidence of third-party equity, and communal representation in the built environment.

C.4.4. Confirmability

Interpretive research, due to a presupposition of relative objectivity, cannot demand objectivity on researchers.³⁷⁶ Rather, to insure the findings are valid, data and interpretations should be confirmable.³⁷⁷ In achieving confirmability, triangulation and reflexivity are important on the part of the researcher.³⁷⁸ Reflexivity is a term for the relative transparency of the researcher. In

³⁷⁴ *Id.* at 39.

³⁷⁵ *Id.*

³⁷⁶ *Id.*

³⁷⁷ *Id.* at 39.

³⁷⁸ *Id.*

essence, the researcher improves their confirmability by being reflexive and disclosing all bias as it concerns the research design and outcomes.

As the greatest threat of validity for the research findings, issues as to the opportunity of bias to impact the interpretation of the data is important for the final analysis. Even by physically visiting each of these urban-architectural forms, a bias builds as the researcher finds favor or disfavor in the politics represented by each case study. More importantly, a bias forms in conducting this research that some meta-form or archetype does exist for communities of difference with successful employment of the urban-architectural form. To insure against this threat an outline of the researcher's bias has been documented with each case analysis.

C.5. CONCLUSION: ITEMIZED TESTING EXECUTION

As executed, this research design provides a realistic manner in which to evaluate and test the *Kafka* framework created by Deleuze and Guattari. In furtherance of a qualitative proving of the hypothesis, the hypothesis has been broken down into three fundamental questions in terms of minor architectural production. In addition, two validation tests have been designed to confirm or limit the breadth of persuasive command each case exhibits as to the resultant evaluation's findings. These questions are posed in terms of evaluating the six cases deliberately selected to potentially form a complete linguistic foundation of minor architectural scholarship. So as to break down the three fundamental questions and two validation measures concerning the hypothesis, a list of test questions is provided for uniform application (*See TABLE 10*):

TABLE 10. Enumerated Test Questions with Requisite Thresholds of Satisfaction

SUBJECT TEST		Major Issue of Enumerated Determination
Clear Nuisance	<input type="checkbox"/>	Identify the nuisance (if one exists) complained of by the marginalized population supposedly sourced from the dominant culture's effort at modernization.
Collective Expression	<input type="checkbox"/>	Identify (if one exists) the collective expression of the built environment which is designed, executed and inhabited for specific communal objectives of the marginalized population.
Singular Linguistic Form	<input type="checkbox"/>	Identify (if one exists) the singular linguistic form of reterritorialization employed by the marginalized population in furtherance of communal objectives.
Urban-Architectural Form	<input type="checkbox"/>	Evaluate the success of the marginalized population in employing an urban-architectural form in response to the enunciated nuisance "complaint."

TABLE 10. Continued

Rhizomatic	<input type="checkbox"/>	Determine whether the marginalized population has employed a rhizomatic process of urban development so as to invent in subversion of the dominant culture's modernization.
Deterritorialization of Major Language	<input type="checkbox"/>	Determine whether the marginalized population exhibited the execution of a high coefficient of deterritorialization of the major design language in realizing the urban-architectural form.
Connect Individual to Politics	<input type="checkbox"/>	Determine whether the marginalized population, in their expression and maintenance of the built environment, connected the individual to the political immediacy of the marginalized population's nuisance "complaint."
Enunciation of Minority	<input type="checkbox"/>	Determine whether the marginalized population succeeded in writing the language of the built environment in such a way so as to represent a collective enunciation regarding the political desire of the disenfranchised community.
MINOR DESIGN	<input type="checkbox"/>	Confirm whether the marginalized population has undertaken the three characteristics of a minor architecture by rhizomatic process in the production of the subject urban-architectural form.
Tetravalent Condition of Assemblage	<input type="checkbox"/>	After production of potentially minor urban-architectural form, determine whether the marginalized population has successfully balanced the tetravalent condition of the assemblage, expressing both content and expression as it is both territorial and a product of deterritorialization.
Decoding of Territory furthering Equity	<input type="checkbox"/>	After production of potentially minor urban-architectural form, determine whether the marginalized population successfully decoded a portion of the territory of the dominant culture in furtherance of communal equity.
ENVIRONMENTAL JUSTICE	<input type="checkbox"/>	After production of potentially minor urban-architectural form, determine whether the marginalized population produced an assemblage as a "home" for the minority community, ultimately providing a mechanism of the built environment to seek greater communal environmental justice.
Resource Use Congruence	<input type="checkbox"/>	Determine whether development has been employed specifically to counter-modernize against nuisance "complaint."
Overall Nuisance Response	<input type="checkbox"/>	Evaluate whether a supermajority (66% or more) of urban-architectural utilization has been employed to counter-modernize against the nuisance "complaint."
PHYSIO-LOGICAL VALIDATION	<input type="checkbox"/>	After execution of the physio-logical evaluation, determine whether the urban-architectural form as executed has been developed with at least 66% of urban utilization specifically employed to counter-modernize against nuisance "complaint."
NEWSPAPER VALIDATION	<input type="checkbox"/>	After the execution of correlative newspaper analysis, determine whether at least a majority (50% or more) of relevant news emanating from the geophysical place of the urban-architectural form correlates with an enunciation of the primary issue of political significance according to the marginalized population.

Minor Expression of Built Environment: PASS / PASSING / FAIL

In the following section, an analogical application of the *Kafka* framework has been executed based on the three major questions and two validation measures enumerated in this outline.

D. SELECTED CASE ANALYSIS

D.1. BARTERTOWN

Case Abstract: Bartertown is the first case examination, a vehicular urban-cinematic expression of survival on the edge of the Wasteland in Australia. In spite of Bartertown's development as a rhizomatic, minority-based product of architecture, at the point at which the film's narrative begins, the largely non-violent collective nature of the community transitions to an authoritative (arborist) form of forced urban cohabitation. After the assassination of Blaster, a gang-based demonstration of power quickly overcodes the village with Auntie Entity leading an executive team who reify the power, bias and methods to maintain her political dominance. In essence, even though Bartertown was built as and aesthetically aligns with the characteristics of a minor production of the built environment, it ultimately fails to meet the conditions of an analogical application of the Deleuze *Kafka* framework as the originating political desire to trade with fairness is supplanted with a will to control the Bartertown community.

In spite of the failed status of Bartertown, this cinema-generated form of urbanism has only missed in the details of minor architectural performance, lending persuasive credence to the possibility that minor architecture can be built and maintained with more favorable communal conditions. Bartertown lends value beyond simply an exhibition of a failed test of minor urban-architectural design; this case provides a telling fable of the pitfalls of an over-reliance on a single course of global modernization, especially one that is based strictly fossil fuel sourced forms of energy production. As the MAD MAX story has its basis in dramatically examining the not-entirely-unlikely-scenario of post-Peak Oil apocalyptic global demise, Bartertown is perhaps a best-case scenario for urbanism after the worst-case scenario of transitioning into the inevitable post-liberal society.

Preface of Potential Bias: My father spent eight years as a naval seaman, three of which were on the U.S.S. Francis Scott Key from 1979 until 1982.³⁷⁹ The U.S.S. Francis Scott Key was a *Benjamin Franklin*-class ballistic missile submarine, and in **FIGURE 7**, is being loaded with a payload of Trident I C-4 submarine-launched ballistic missiles.³⁸⁰ On one of my father's first patrols, the Navy test-launched these Trident missiles off the coast of Florida (See **FIGURE**

³⁷⁹ See Russ Christie, *Crew List for SSBN 657* (Jan. 2011) <<http://www.ssb657.com/Crew%20List%202006.htm>>.

³⁸⁰ See Joe Radigan, *NavSource Online: Submarine Photo Archive: Francis Scott Key (SSBN-657)* (2011) <<http://www.navsource.org/archives/08/08657.htm>>.

7).³⁸¹ Each missile has the destructive power six times the Hiroshima bomb “Little Boy,” and his submarine had enough nuclear firepower to equal 1,000 Hiroshima bombs.³⁸² My father’s time on this submarine had a major influence on my own early impression of the mechanics and fate of Western civilization. Immediately, every personal problem I had, according to my father, could be explained either by (1) application of the physics of nuclear fission, or (2), the thermodynamics of forced air conditioning as he mastered on this submarine. He thought within the logic of world-wide nuclear struggle³⁸³ and settled our family in the rural hinterland of Texas so as to avoid annihilation as he regularly discussed our odds of survival after a nuclear holocaust.³⁸⁴ The chill of this dangerous international standoff instilled in our family an attitude of rugged self-deliverance, one that already common in rural Texas.³⁸⁵ Second, in terms of my mother’s influence impact on any bias I may have concerning Bartertown, my mother grew up among a tight clan of Czech-American immigrants who survived the Great Depression in relative comfort employing their old-world agrarian cultural practices.³⁸⁶ At the center of these practices was the hog. So important was this legacy of self-sustained communal survival, these 1940’s era techniques were highlighted and briefly taught throughout my high school education decades after their employment. Symbolizing this embedded feature in our local identity, our mascot was the Yoeman, a purposefully misspelling of the “yeoman” based on a patron’s last name. Soap production, fertilizers, land management, crop selection, intergenerational cultural transference, out-building orientation, and construction metrics are just a sample of the decisions that were governed by the importance of the hog as utilized by the local community. Immediately following are **FIGURES 7** through **26**, figures which graphically detail the conditions of the Bartertown case study.

³⁸¹ *Id.*

³⁸² *Trident Facts and Figures* (2009) <<http://www.psr.org/chapters/washington/energy-and-peace/trident.html>>.

³⁸³ See VIRILIO, *supra* note 3, at 125. Virilio discusses the efforts of President Reagan to spread the United States population away from urban centers in part so as to undermine the impacts of a nuclear assault by Eastern powers.

³⁸⁴ *Id.* at 126. “...people start thinking seriously of moving to the country....” See also ELLIN, *supra* note 13, at 15. Ellin discusses here that it is not without significance that this extensive decentralization followed the first use of the atomic bomb... this atomic fission worked against the fusion of people into concentrated settlements because of the fear of attack...”

³⁸⁵ *Id.* at 177- 81. Here, the author describes how the Cold War bi-polar state is a suicidal (single) State, whereby the only outcome as viewed from the standpoint of the Cold War is the eventual demise with nuclear war. Connecting this societal acceptance of a kamikaze state to the agents within the military, Virilio states that “the crews of nuclear submarines are not appointed, they’re all volunteers.” I believe my father was under this same conclusion after his time on his nuclear submarine, and instructed me as his son accordingly.

³⁸⁶ See Sarka Babicka, *A Traditional Czech Pig Slaughtering and a Giveaway* (Nov. 26, 2010) <<http://www.cookyourdream.com/2010/11/traditional-czech-pig-slaughtering-and.html>> for a graphic narrative of the Czech-based practices used by Czech-Americans during the Great Depression.



(CLOCKWISE) (a) (TOP) David Angell. Image courtesy of David Angell (2011). (b) U.S.S. Francis Scott Key being reequipped with nuclear warheads. Image courtesy of Joe Radigan (2011). (c) (RIGHT) Launch of the Trident C-4 from the submerged U.S.S. Francis Scott Key on July 22, 1979. Image courtesy of Joe Radigan (2011). (d) (BELOW RIGHT) Built environment of MAD MAX whereby gangs overtake normal civil society. Image courtesy of Kennedy Miller Productions (1979). (e) (FAR BELOW RIGHT) Dilapidated "HALLS OF JUSTICE" gate from MAD MAX. Image courtesy of Kennedy Miller Productions (1979). (f) (FAR BELOW) Refinery defended by "good" community in MAD MAX 2: THE ROAD WARRIOR. Image courtesy of Kennedy Miller Productions (1981). (g) (BELOW) "Good" community defending scarce petroleum resources against marauders of THE ROAD WARRIOR. Image courtesy of Kennedy Miller Productions (1981).



FIGURE 7. Images Supporting Case Background: Bartertown

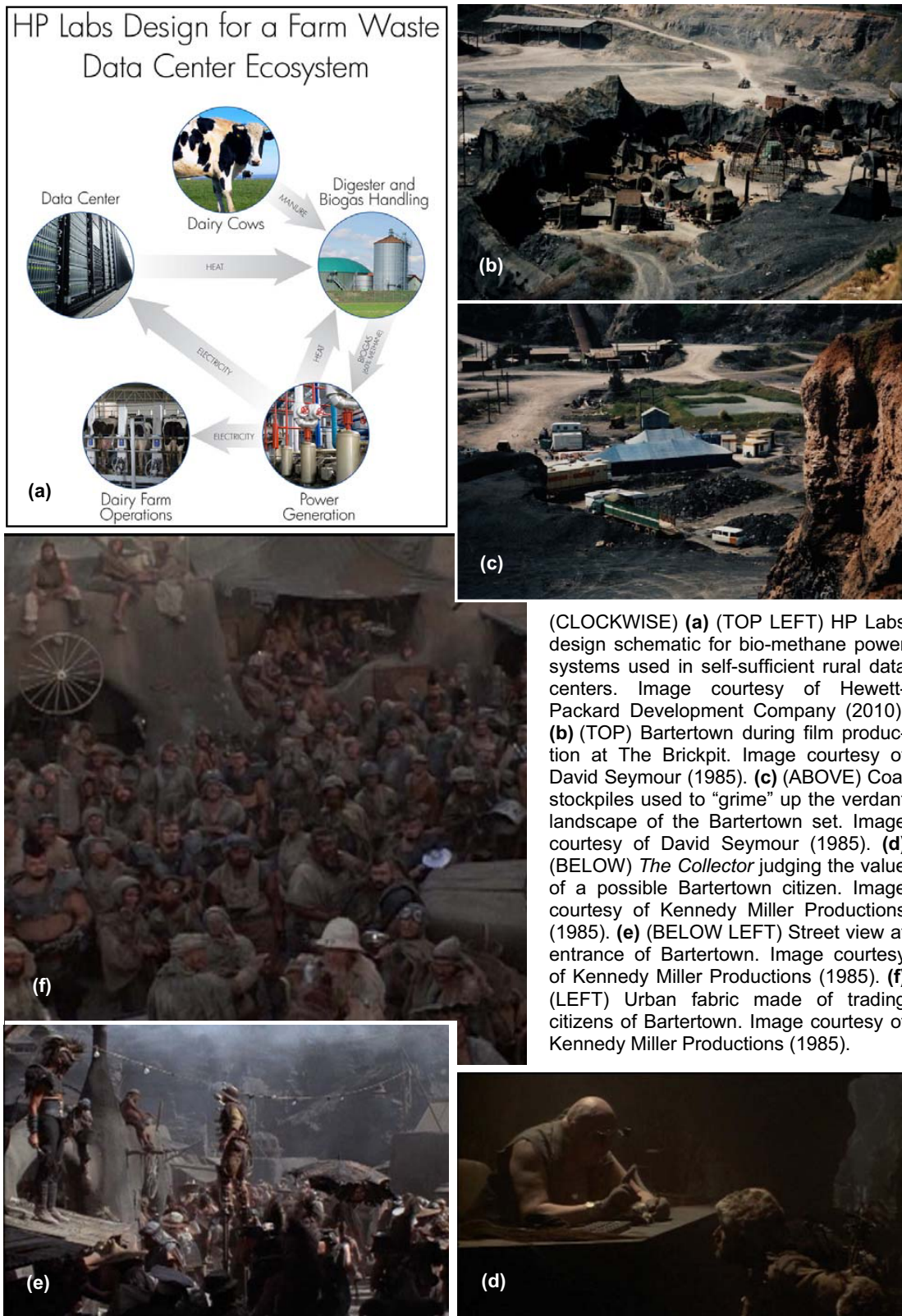
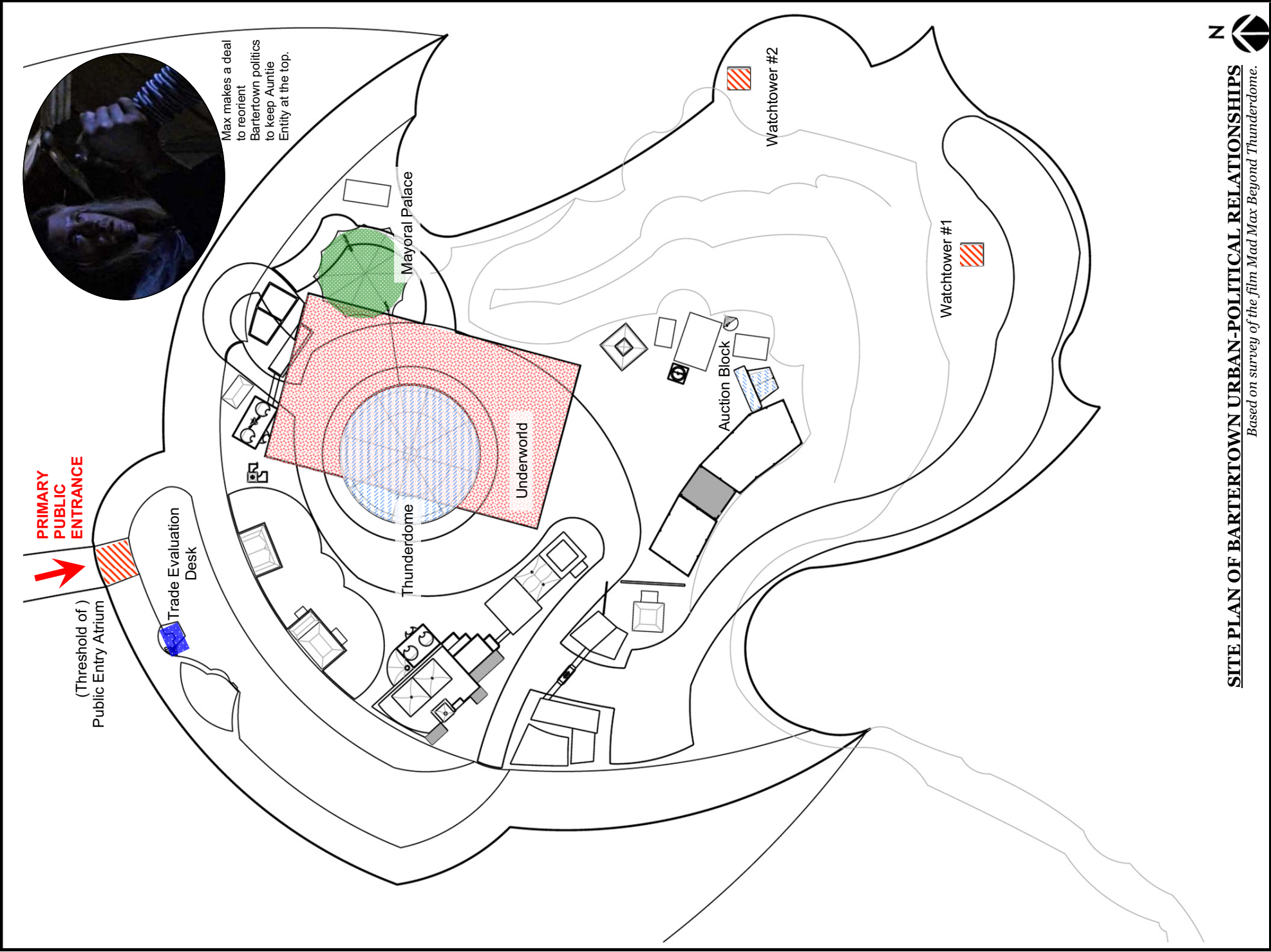


FIGURE 8. Site Images and System Background: Bartertown



FIGURE 9. Cinematic Barbertown



SITE PLAN OF BARTERTOWN URBAN-POLITICAL RELATIONSHIPS
Based on survey of the film Mad Max Beyond Thunderdome.



FIGURE 10. Site Plan of Bartertown Urban-Political Relationships

BARTERTOWN SITE PLAN & PERSPECTIVE OF MAYORAL PALACE

Based on survey of the film Mad Max Beyond Thunderdome.

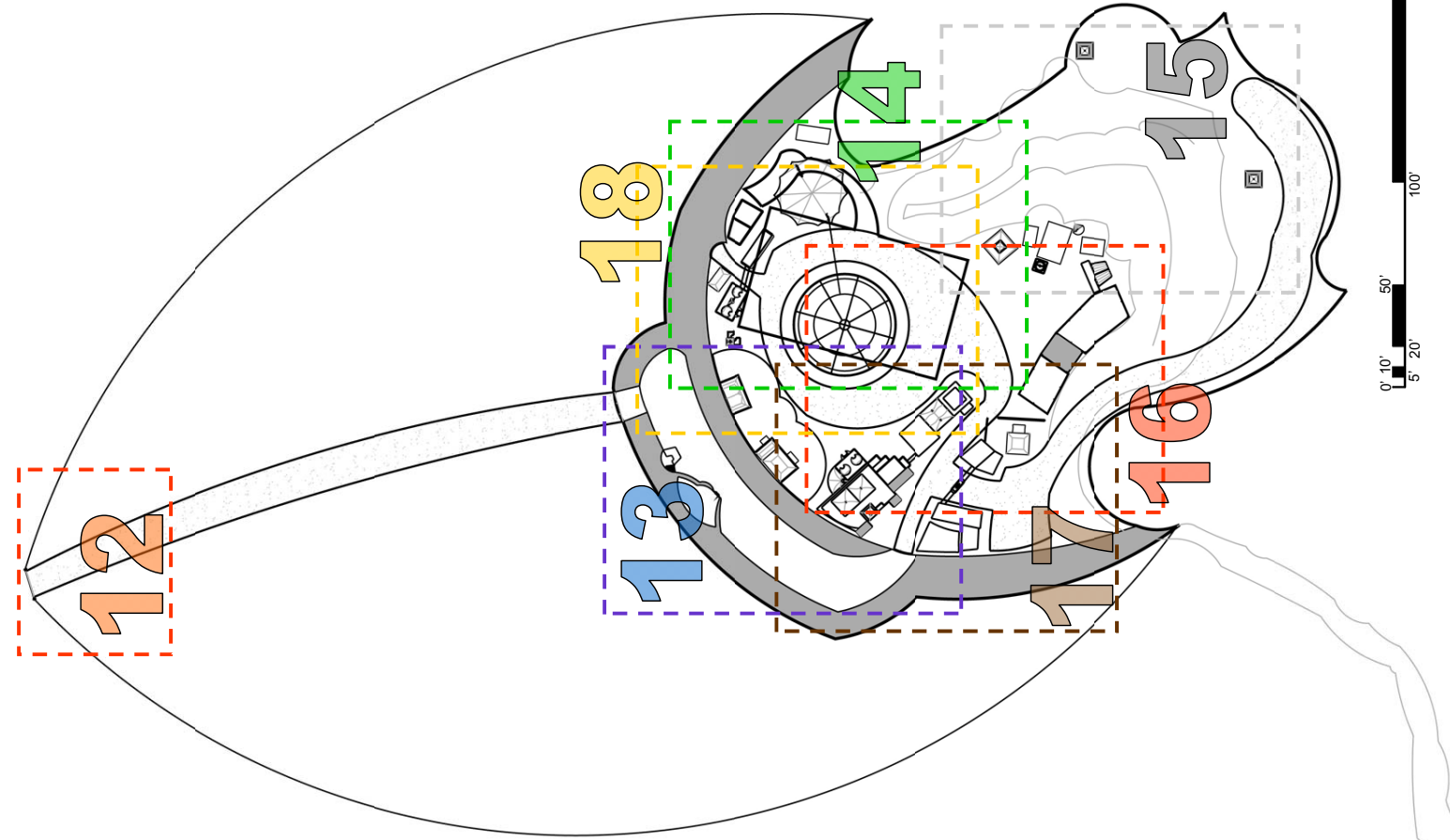
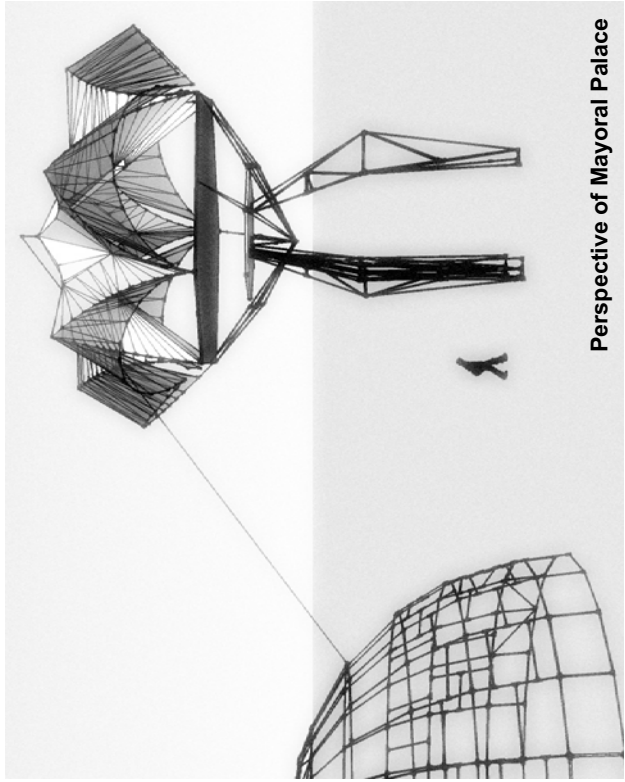
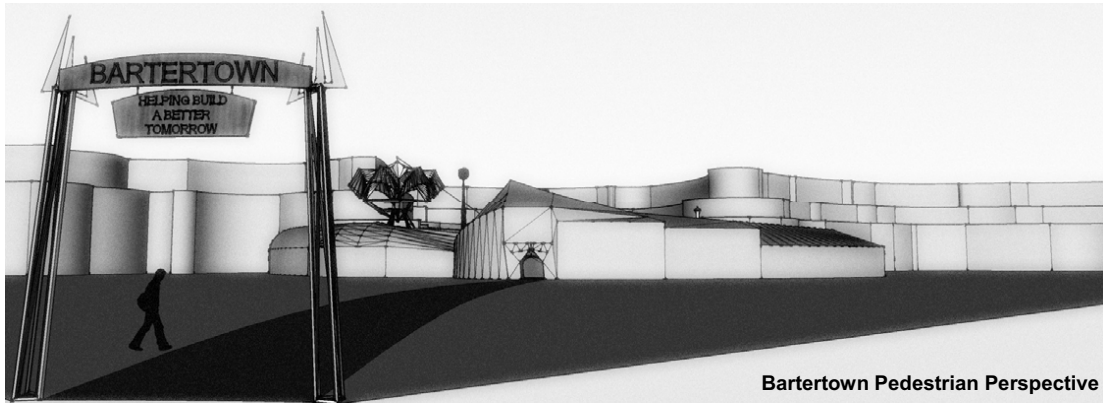
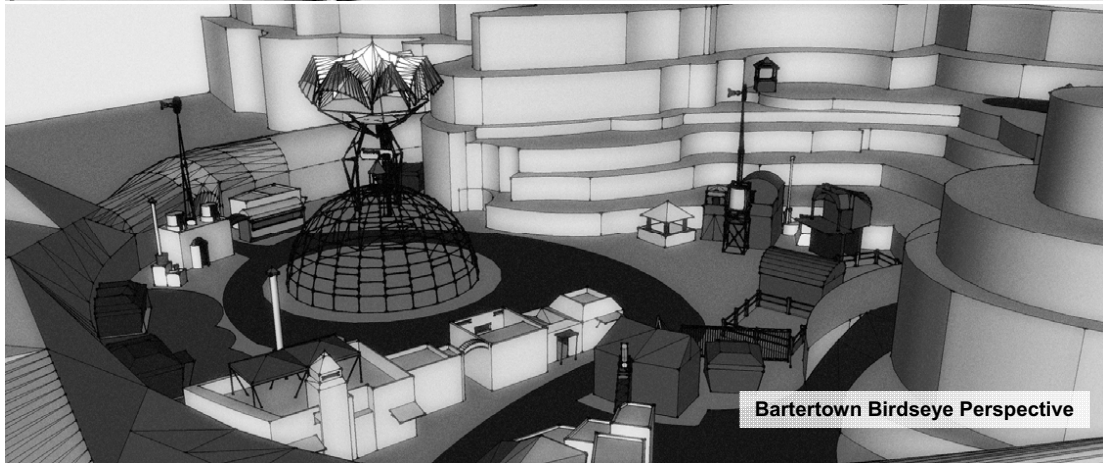


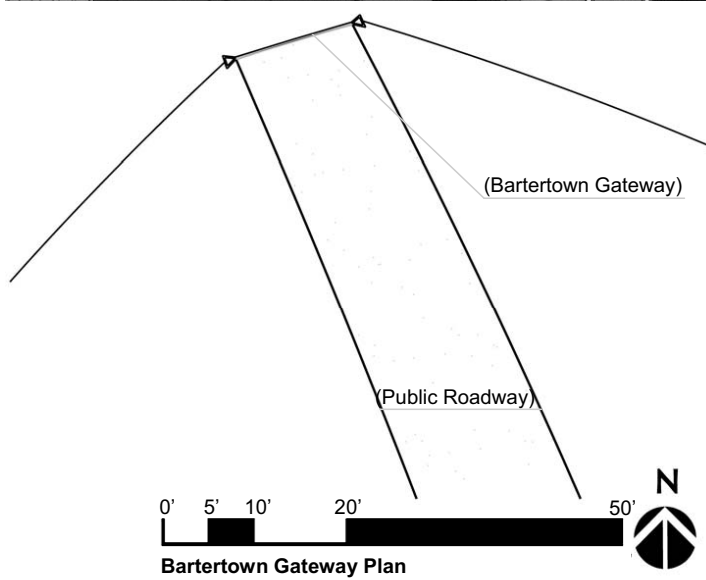
FIGURE 11. Bartertown Site Plan & Perspective of Mayoral Palace



Bartertown Pedestrian Perspective



Bartertown Birdseye Perspective



Bartertown Gateway Plan



FIGURE 12. Bartertown Perspectives & Gateway Plan

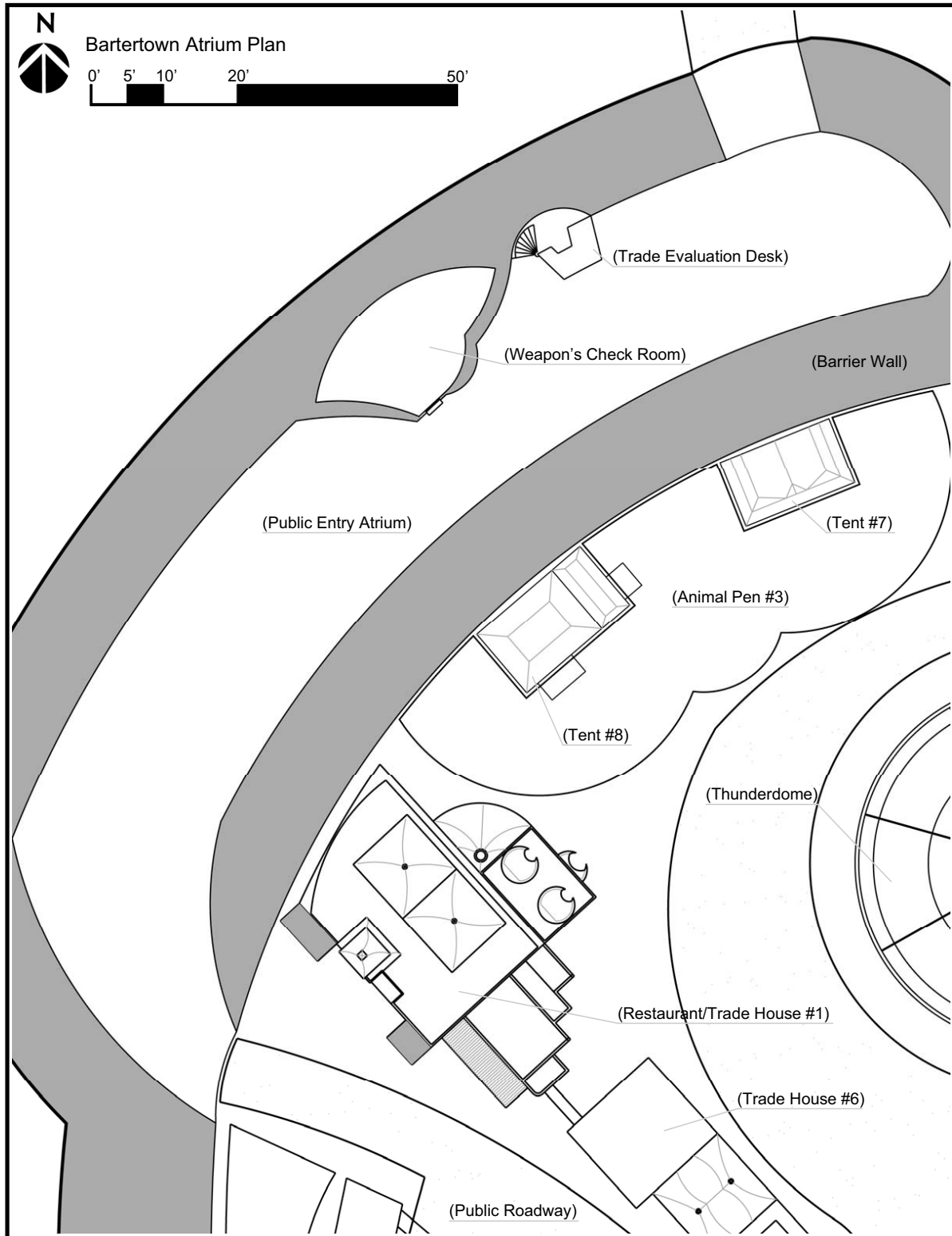


FIGURE 13. Bartertown Atrium Plan

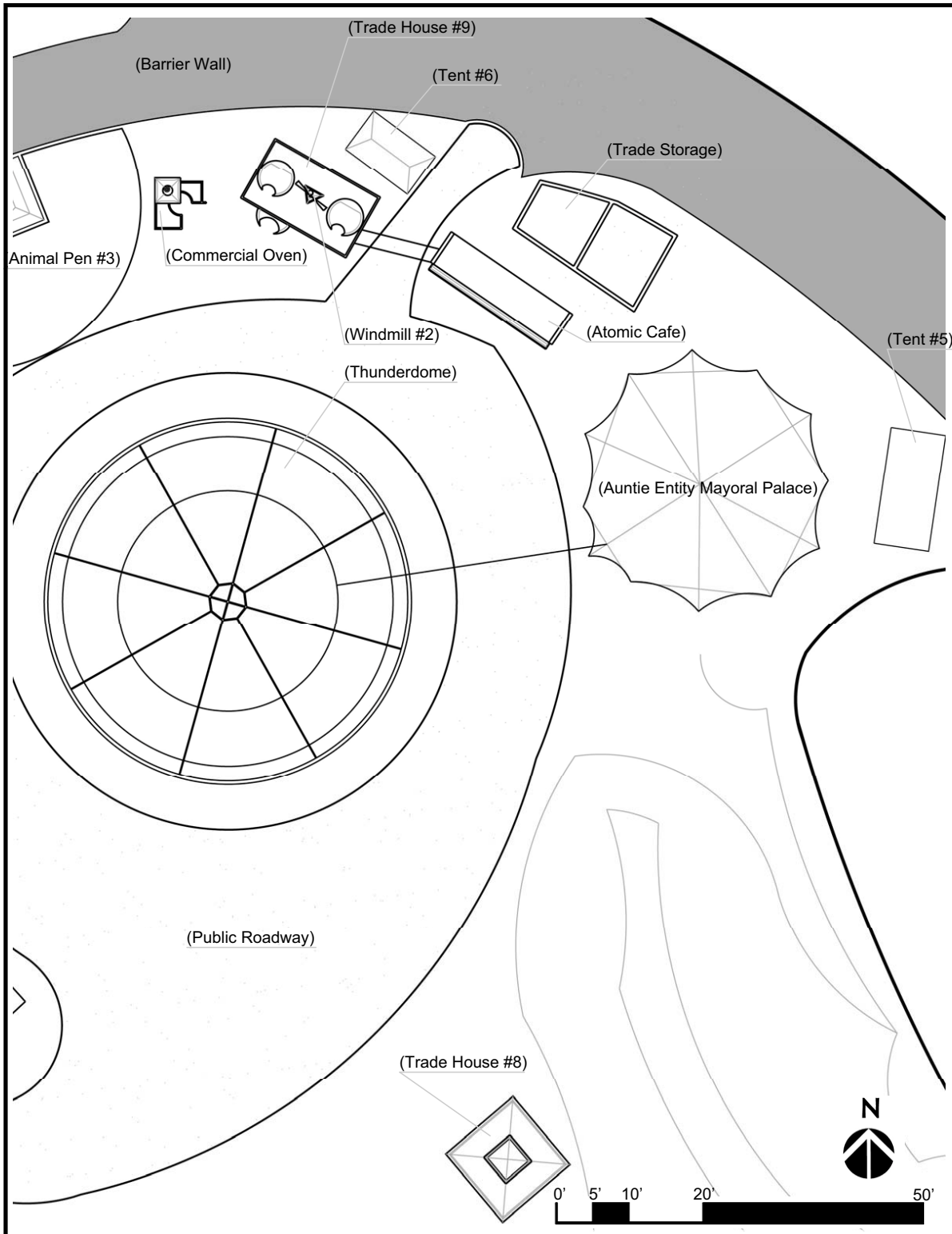


FIGURE 14. Bartertown & Thunderdome Plan

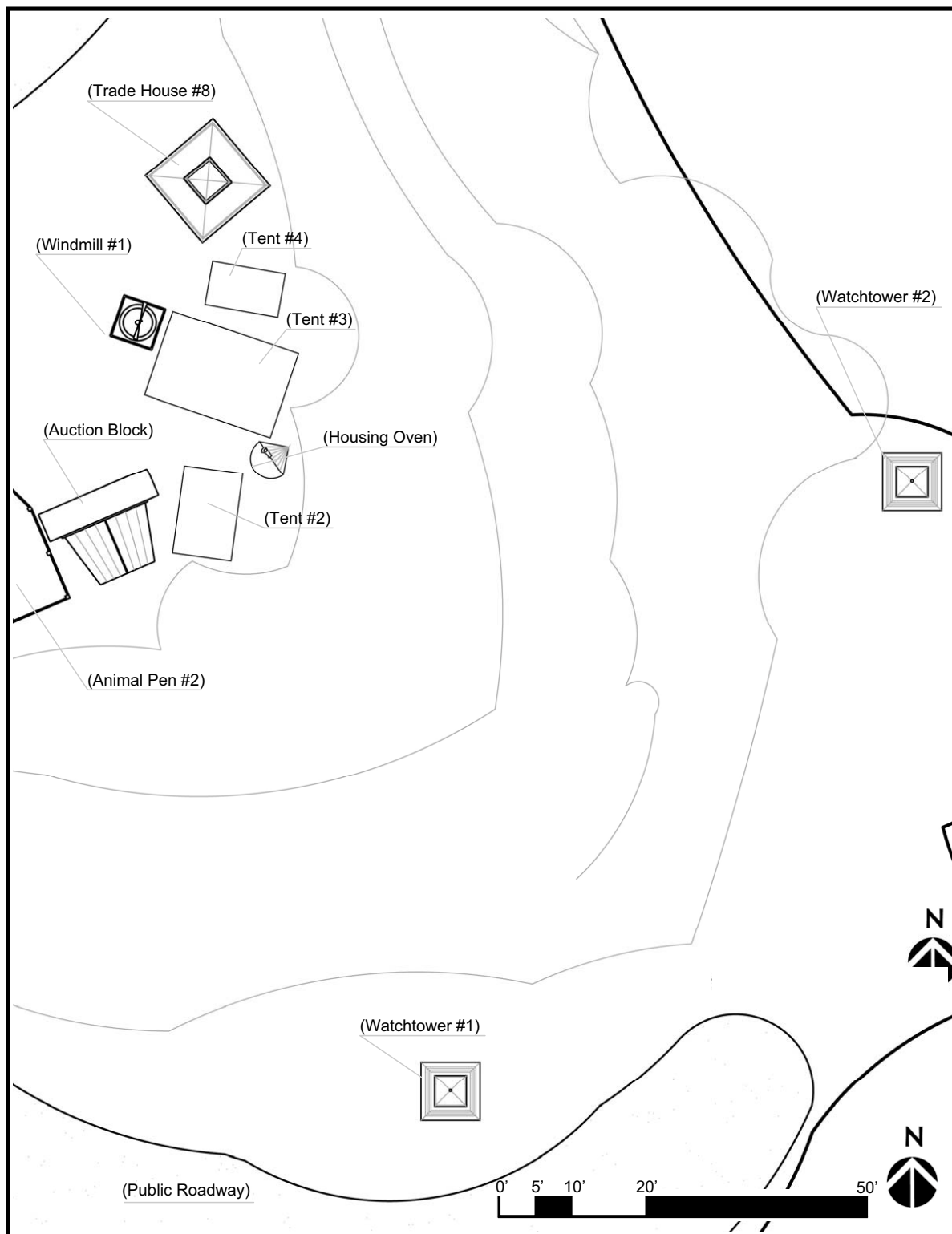


FIGURE 15. Barertown Auction Block Plan

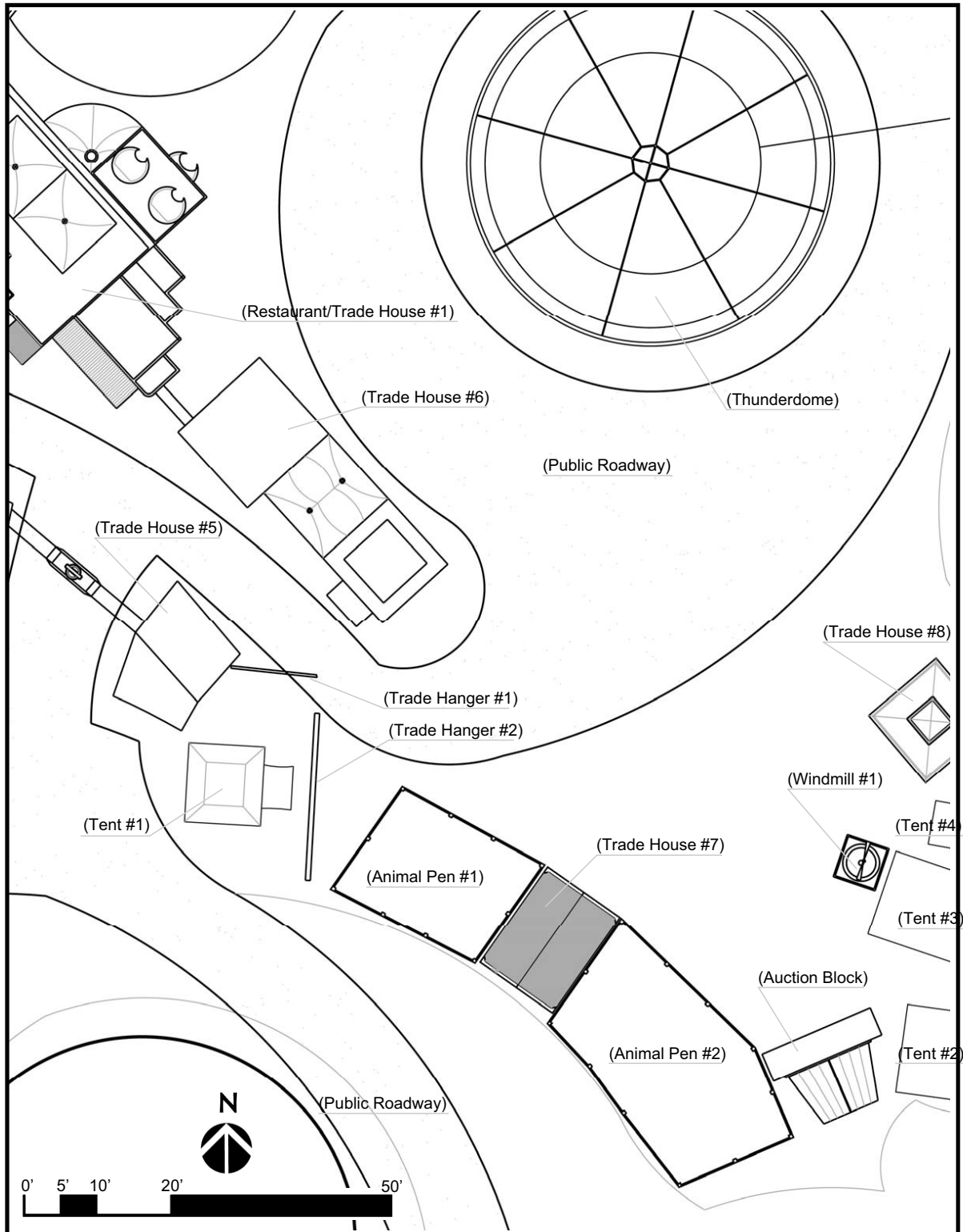


FIGURE 16. Bartertown Trade House Plan

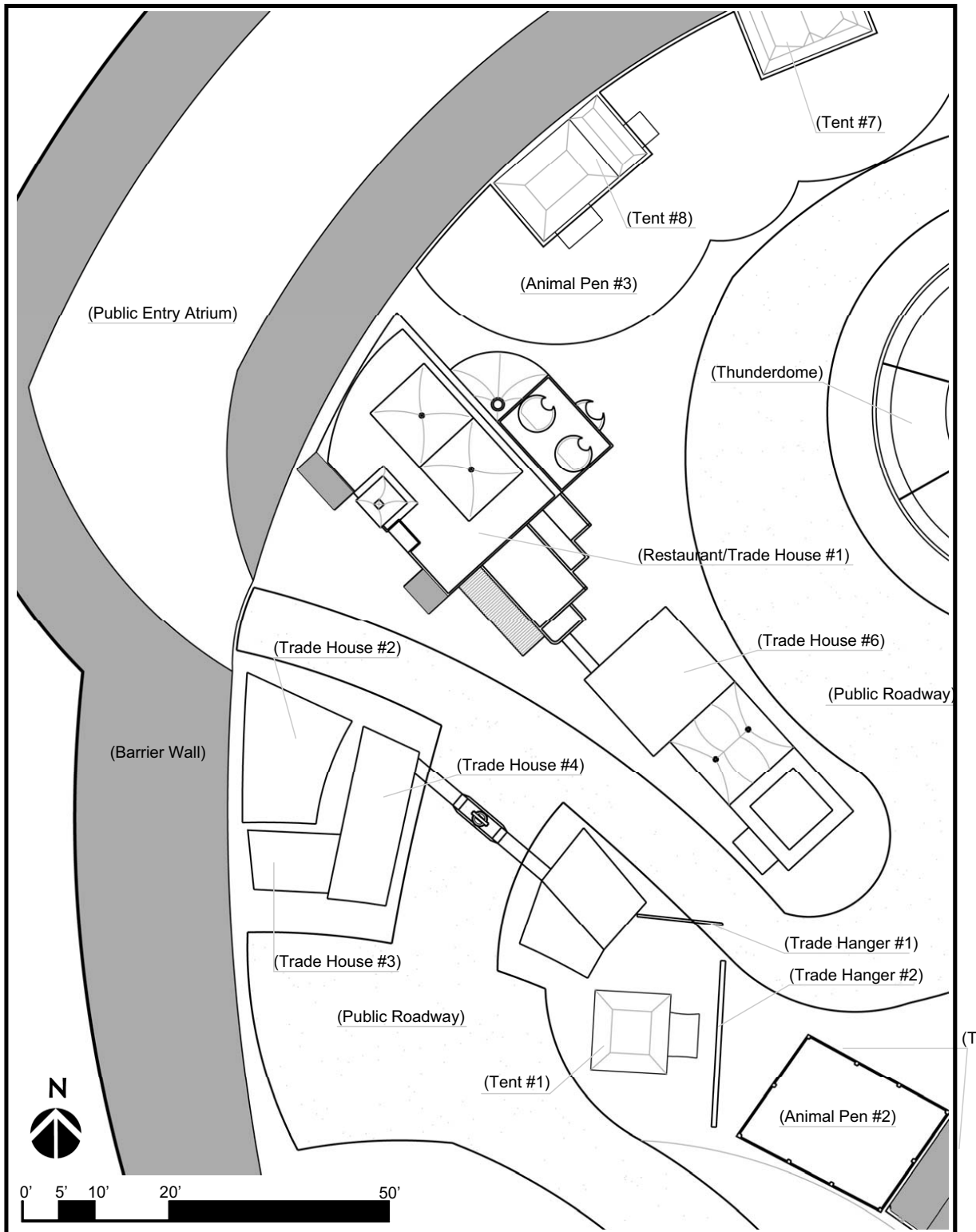


FIGURE 17. Bartertown Commerce Row Plan

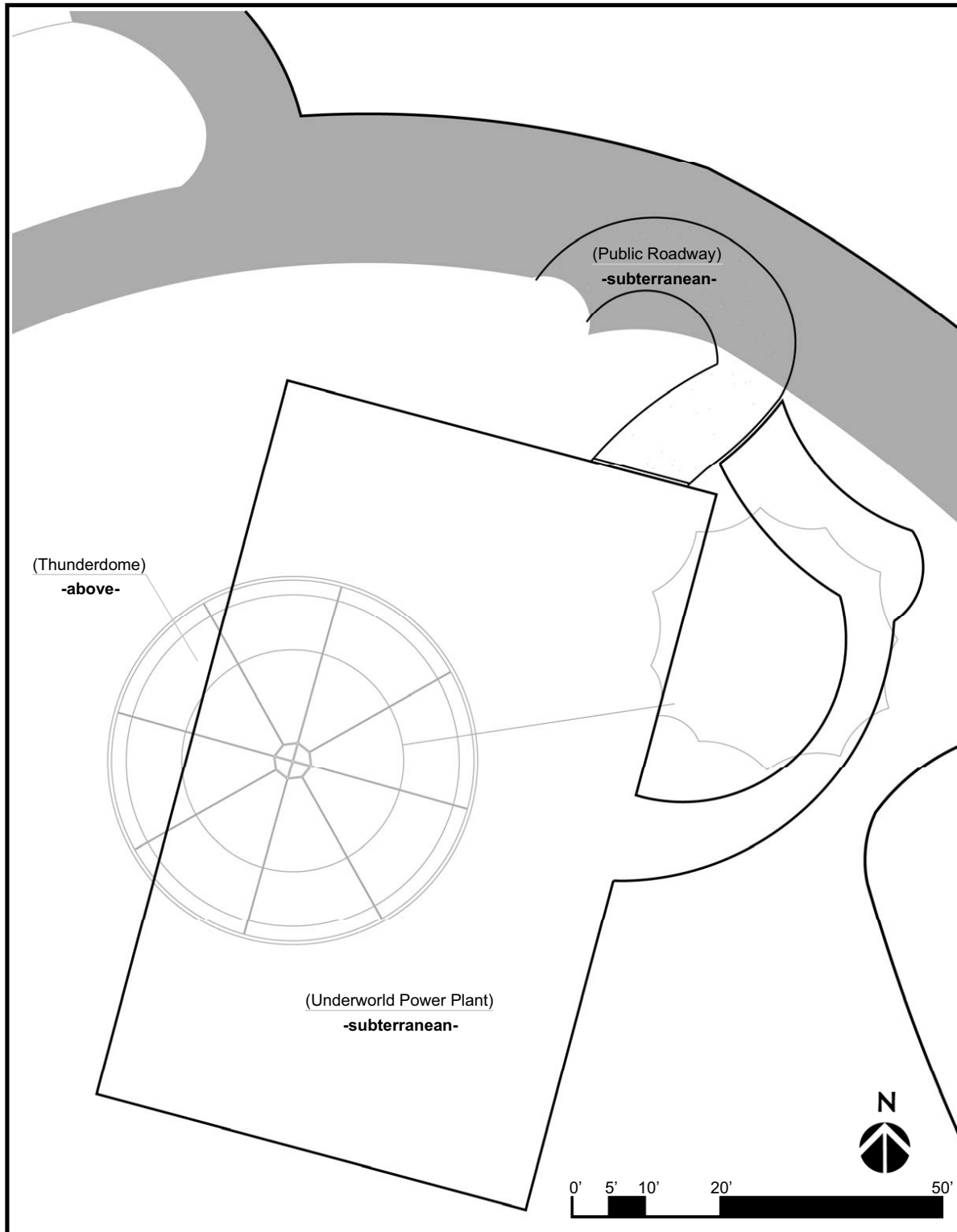


FIGURE 18. Bartertown Underworld Plan

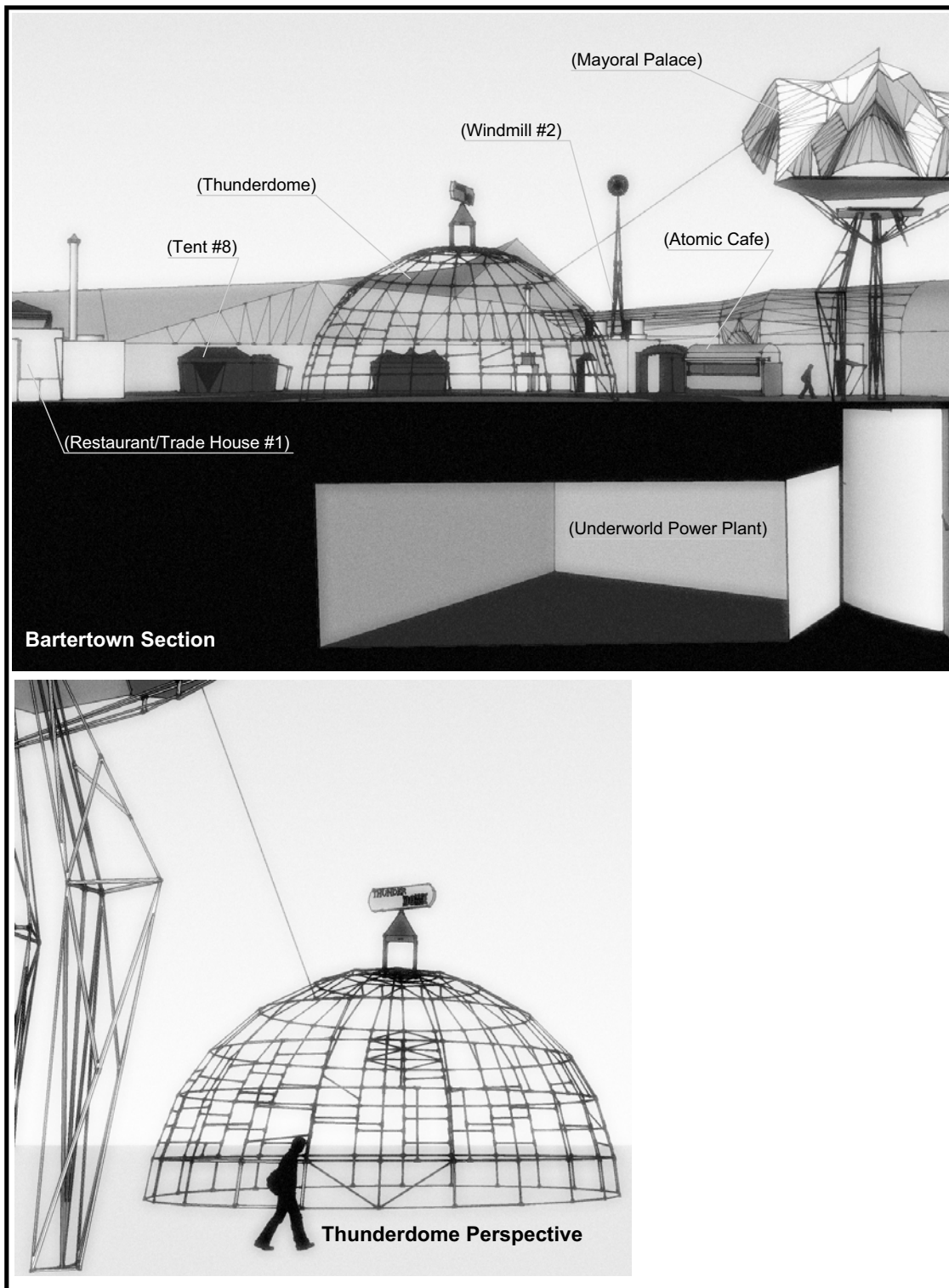
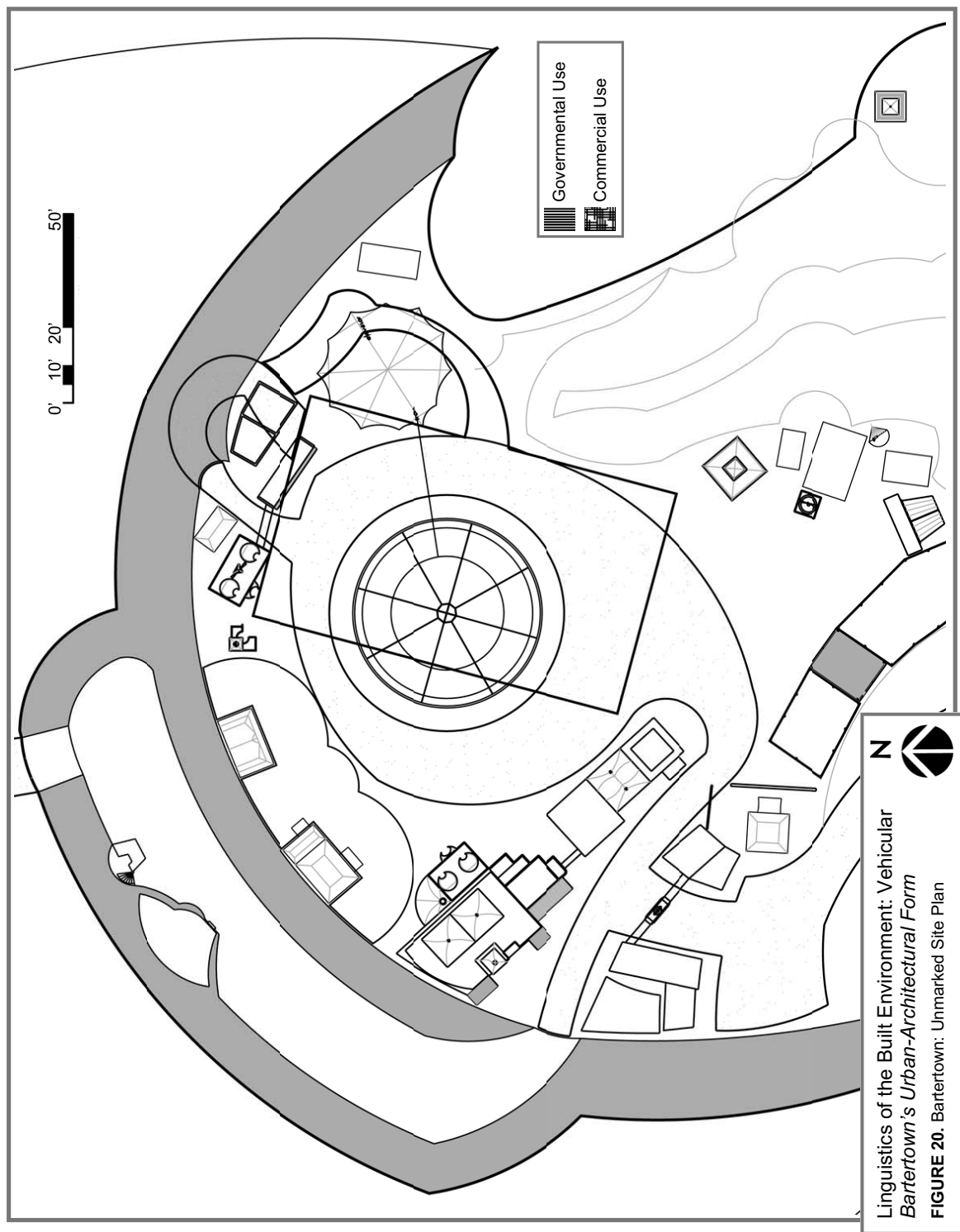
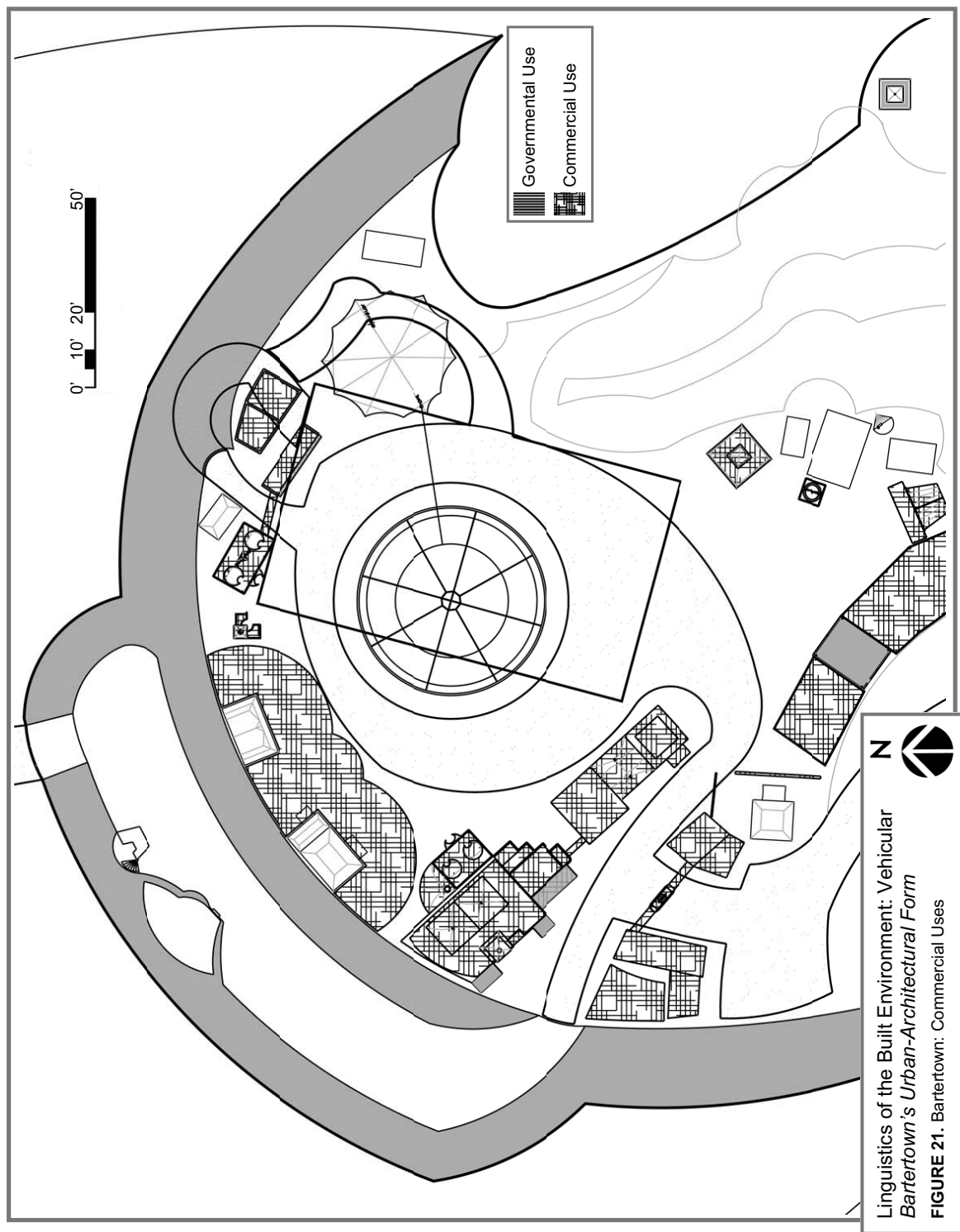
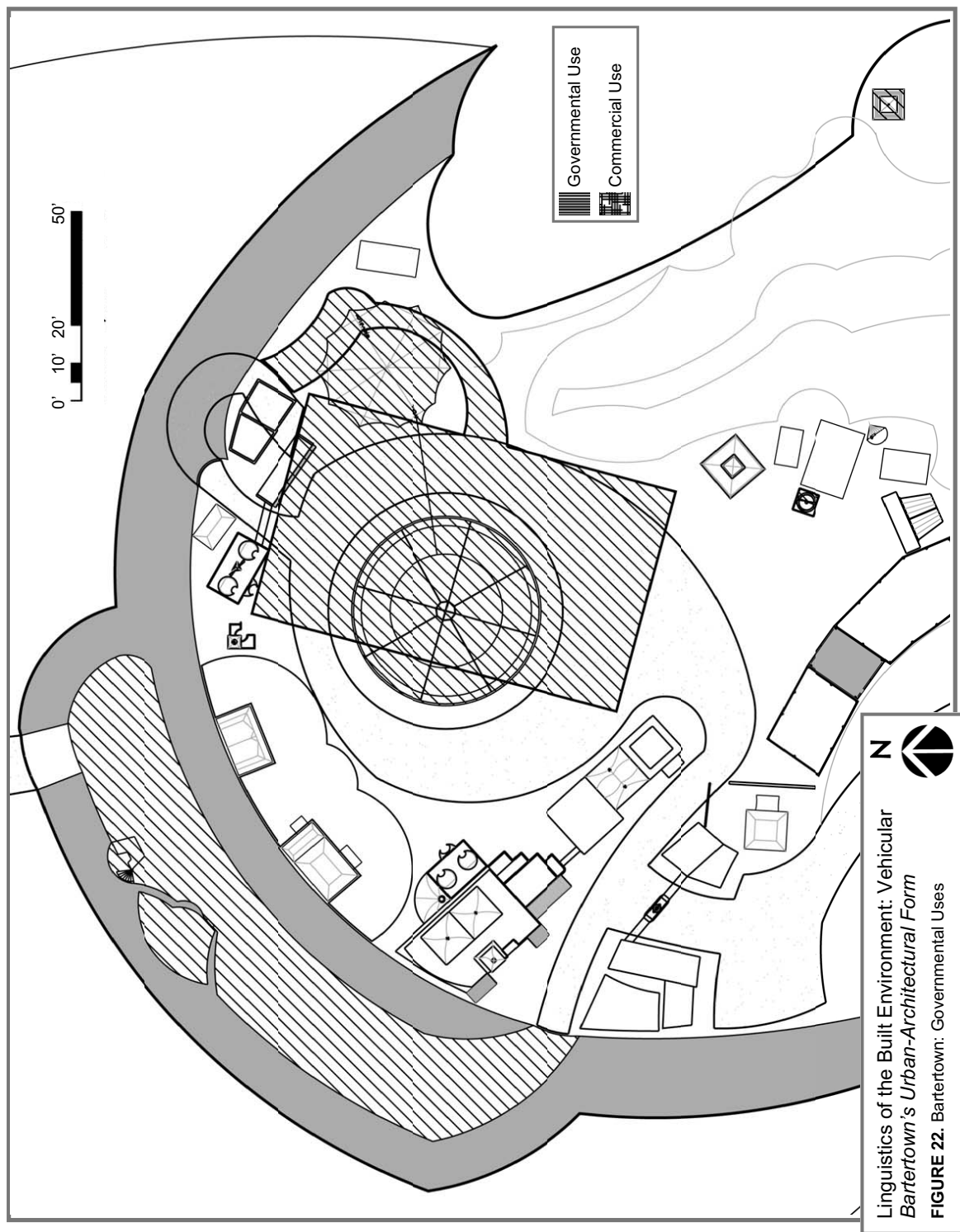
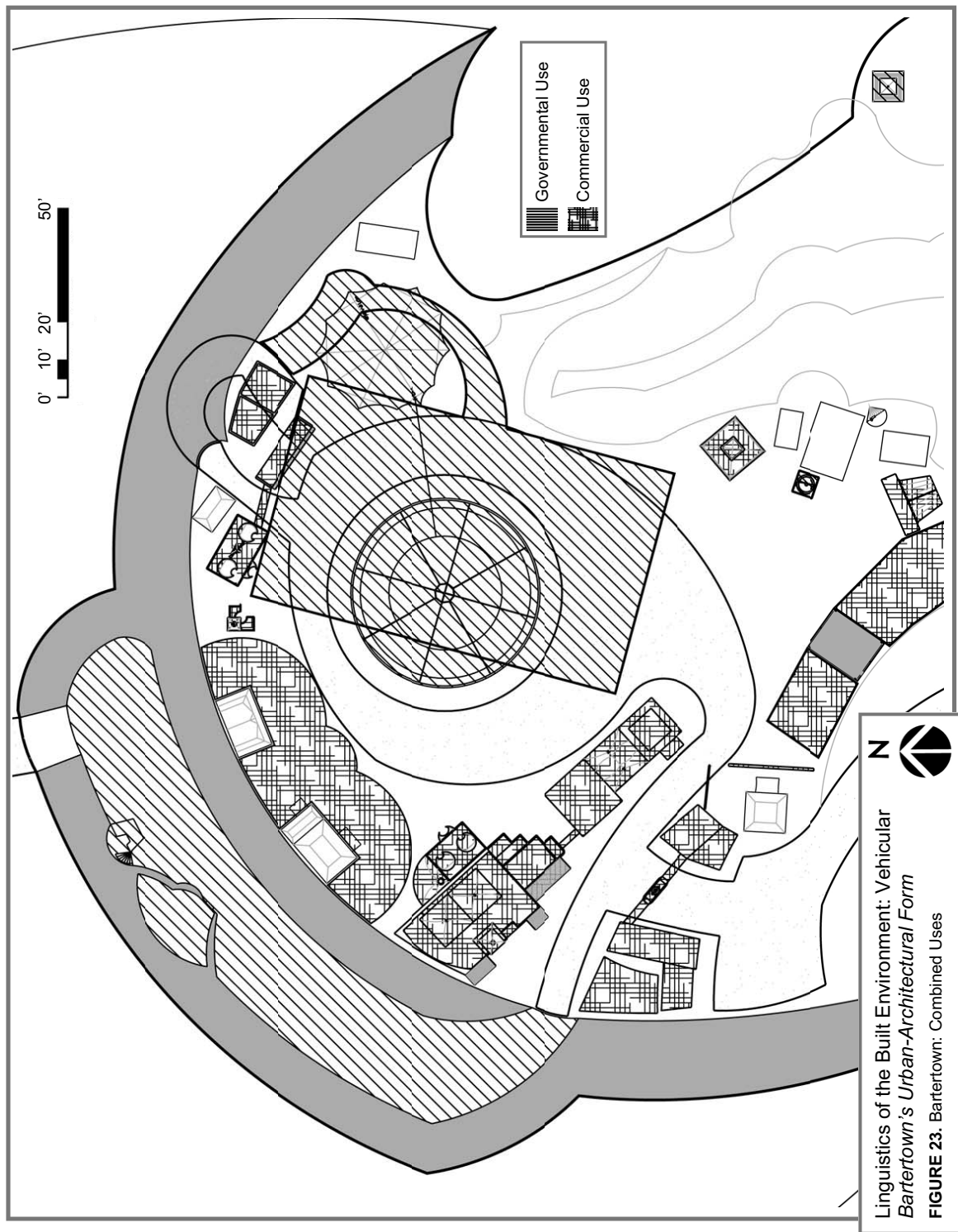


FIGURE 19. Barertown Section and Perspective









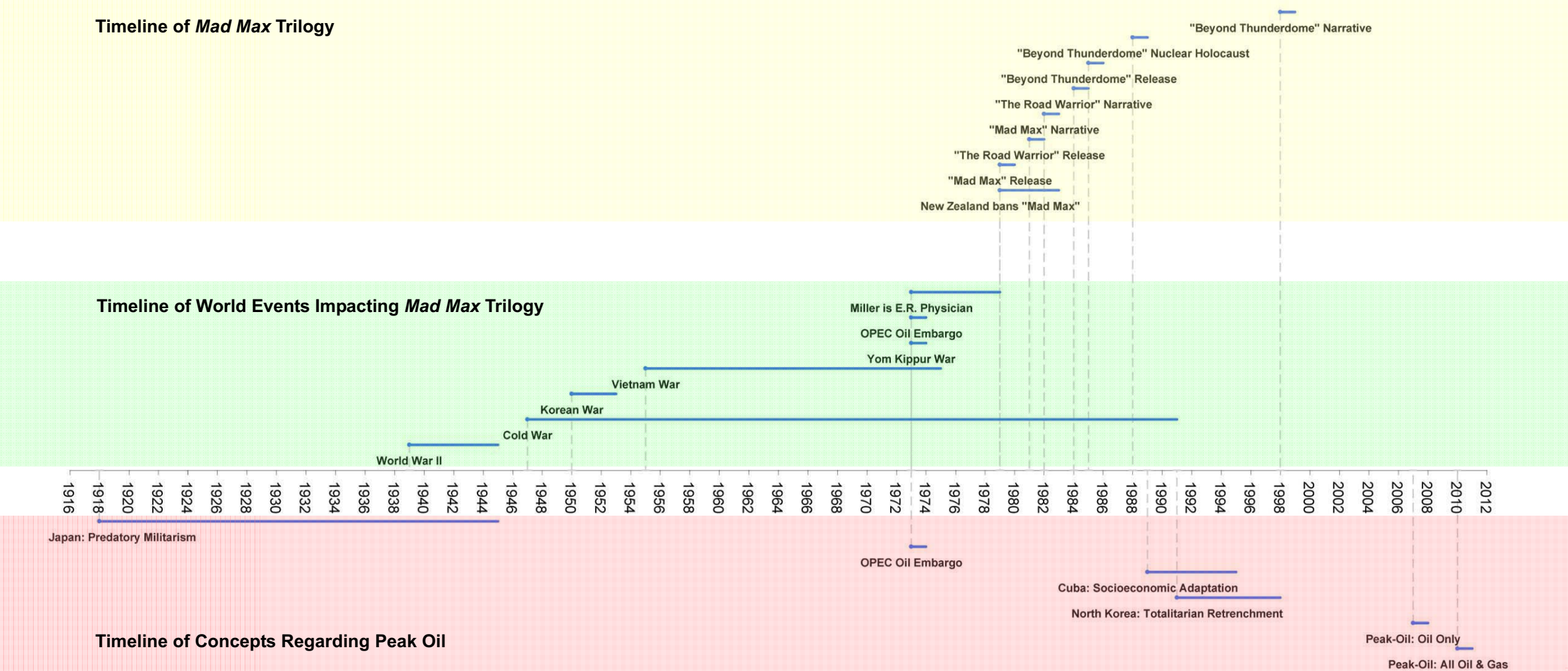
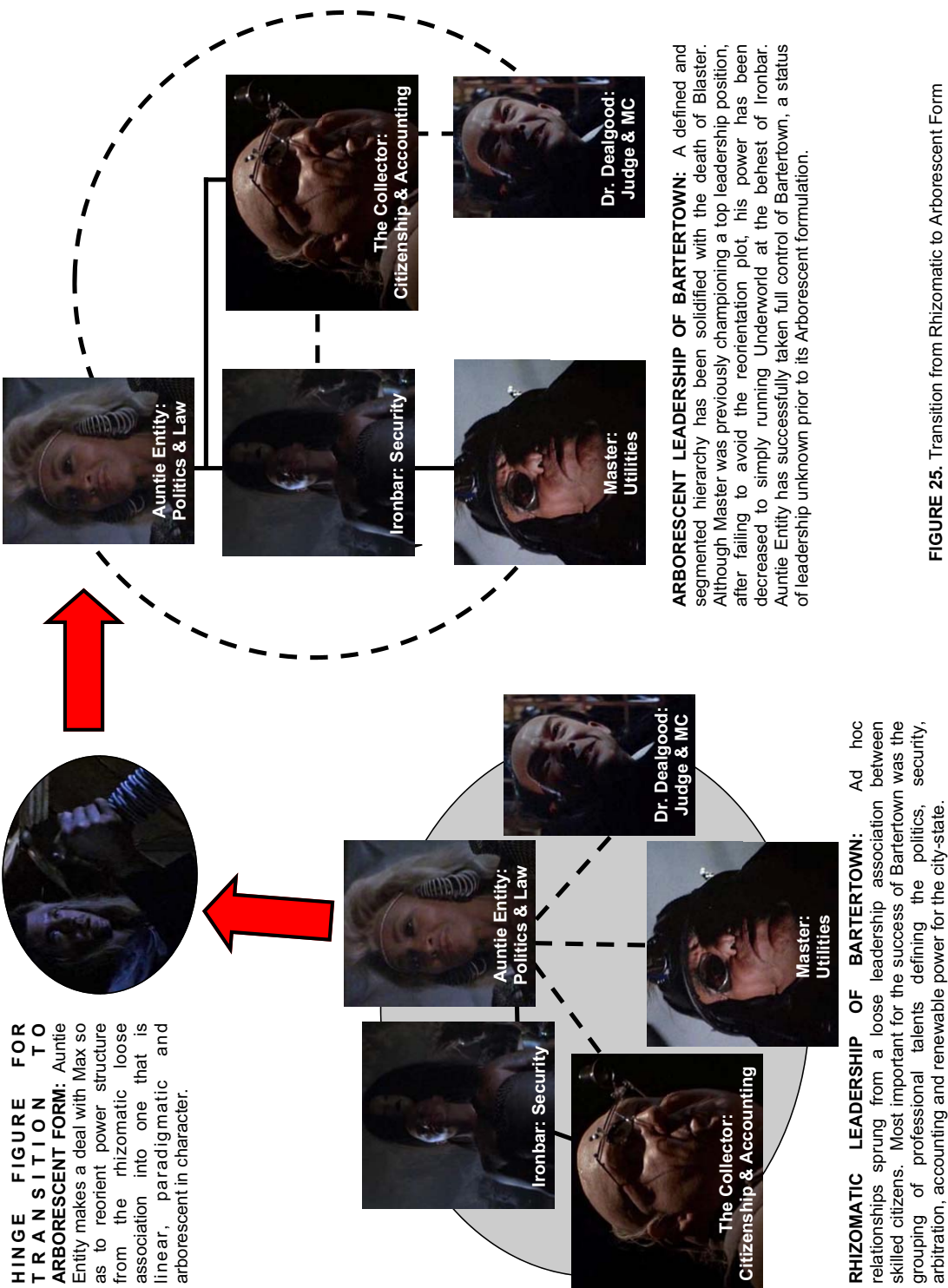


FIGURE 24. Bartertown Timeline



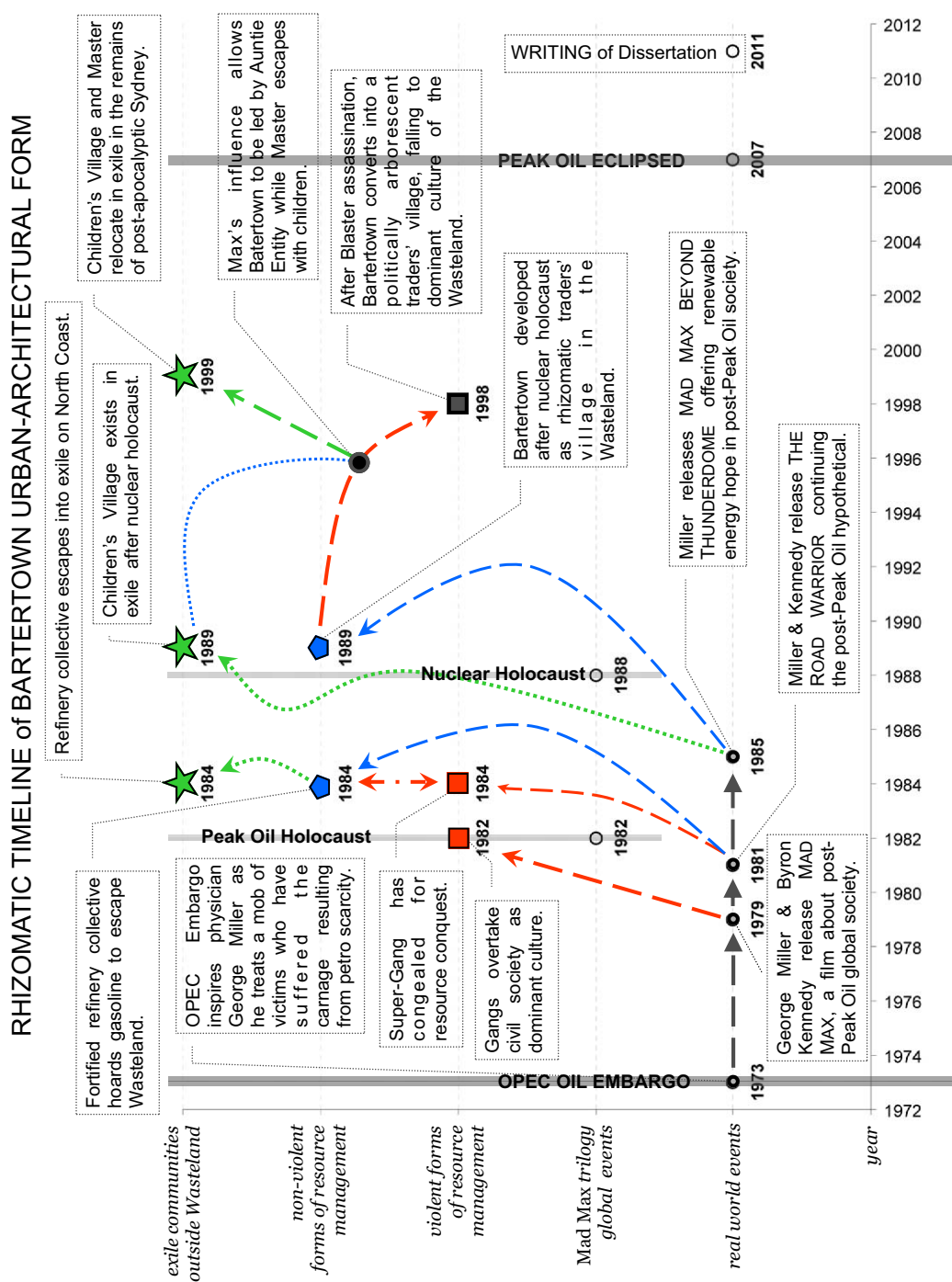


FIGURE 26. Rhizomatic Bartertown Timeline

D.1.1. The Spectre of Peak Oil Haunting Australia

Are we the last living souls?

*Take a gun
Or how you say
That's no way you behave*

*Just a law, a new begin
Sing a song that doesn't sin
And it grows
Hey, you know³⁸⁷*

MAD MAX BEYOND THUNDERDOME is the third in the MAD MAX cinematic trilogy about a former Australian police officer who now wonders a post-apocalyptic landscape – the Wasteland – as a mercenary-nomad. Made in the 1985, MAD MAX BEYOND THUNDERDOME was a major financial success largely due to its overwhelming international popularity, including the United States.³⁸⁸ In fact, the entire MAD MAX trilogy embodies a story of popular Australian filmmaking. As the first MAD MAX of 1979 was arguably the first feature-length Aussie film shot with an anamorphic lens for international distribution,³⁸⁹ the third installment took this pioneering franchise to the ultimate success by becoming a model for *all* studio filmmaking as its tight budget and exceptional ticket sales made for unexpected profits in an era of poor theatre revenues.³⁹⁰

MAD MAX BEYOND THUNDERDOME was released in the United States on July 10, 1985,³⁹¹ and on that same day the NEW YORK TIMES printed its review of the film. The largely favorable critique of the film began in a catching journalistic manner:

APOCALYPTIC fiction generally has an easier time destroying the world than putting it back together. So watch out as Mad Max, the hero of George Miller's post-nuclear fantasy films, assumes greater and greater mythic dimensions in the third film in the series. For the fourth – and on the basis of this one, there will and should be another – he appears to have messianic, civilization-founding responsibilities in his future.³⁹²

³⁸⁷ Gorillaz, *Last Living Souls*, DEMON DAYS (May 2005).

³⁸⁸ Aljean Harmetz, *A Bleak Summer for Movie Makers*, NEW YORK TIMES (September 2, 1985). *See also* Geraldine Fabrikant, *Warner's Scenario for Hits*, NEW YORK TIMES (March 21, 1986).

³⁸⁹ *Trivia for Mad Max (1979)*, THE INTERNET MOVIE DATABASE (2011)
<<http://www.imdb.com/title/tt0079501/trivia>>.

³⁹⁰ *See* Fabrikant, *supra* note 388.

³⁹¹ *Mad Max Beyond Thunderdome (1985)*, THE INTERNET MOVIE DATABASE (2011)
<<http://www.imdb.com/title/tt0089530/>>.

³⁹² Janet Maslin, *Film: Gibson in a 'Mad Max' Sequel*, NEW YORK TIMES (July 10, 1985).

Like many, the image of a Cold War induced apocalypse produces an assumption that the end of the world sprung from the utter doom of a nuclear holocaust. So, as it was stated in the quoted portion of the 1985 review, “apocalyptic” and “post-nuclear” seem to have a redundant meaning in terms of a science-fiction future for the Western World. But, after careful review, this belief is proven false as the two are not particularly linked in this expression of contemporary cinema.

The “post-nuclear fantasy” used to explain the MAD MAX trilogy is in fact a post-facto application from the third installment back upon the prior two films. The application, as regularly outlined in film reviews, is misguided based on the evidence presented in the prior films MAD MAX (1979) and THE ROAD WARRIOR (1981). Before explanation, it is important to understand the meaning of “apocalyptic” so as to clearly interpret the historic meaning of this story and the language of its unique built environment.

apocalypse, *n.* **1.** any of the various Jewish or Christian pseudonymous writings depicting symbolically the ultimate destruction of evil and triumph of good **2.** a disclosure regarded as prophetic; revelation – *adj.* **apocalyptic** or **apocalyptical**.³⁹³

revelation, *n.* **1.** a revealing, or disclosing, of something **2.** something disclosed; disclosure; esp., a striking disclosure, as of something not previously known or realized **2.** *Theol.* *a)* communication, by a divinity or by divine agency, of divine truth of knowledge; specif., God’s disclosure or manifestation to humanity of himself or of his will *b)* an instance of this *c)* that which is so communicated, disclosed, or manifested *d)* something, as a writing or event, containing or showing such a communication, disclosure, or manifestation. ³⁹⁴

Irony in the very definition of apocalypse is an embedded judgment of good versus evil, whereby the revelation event leads to the destruction of evil and a triumph of good. But, there are few post-apocalyptic films whereby the “good” have continued their survival without suffering a constant struggle against a stronger, more compromising band of “evil” marauders on the hunt for easy resources; resources that inevitably include the “good.” The entirety of the MAD MAX franchise develops a narrative on this plight of the righteous defending against a gang of bully looters of graduated sophistication.

The original MAD MAX movie of 1979 begins simply with the subscript “A FEW YEARS FROM NOW...” after fading away from an image of a dilapidated gate marking the “HALLS OF

³⁹³ WEBSTER’S NEW WORLD DICTIONARY, *supra* note 165, at 64.

³⁹⁴ *Id.* at 1148.

JUSTICE.” The film builds upon an underlying assumption that the future holds a great measure of civil decay brought upon by a worldwide shortage of oil, typically considered the ‘Peak Oil’ category of societal breakdown.³⁹⁵ Squarely within an apocalyptic-causation category of ‘resource depletion,’³⁹⁶ the MAD MAX franchise is driven and defined by scarcity. Fuel scarcity is the motivating characteristic that drives survivors into polarizing extremes of gang-based self-preserving “evil” incivility and uncommon human integrity and sacrifice for the well-being of their local “good” group. The protagonist of the film series, Max, constantly pushes the drama of the franchise by moving back and forth between the extremes of “evil” mercenary and “good” martyr.

The apocalyptic vision of the MAD MAX filmmakers is categorized as one caused by resource depletion rather than nuclear holocaust based on both the internal and external evidence regarding the film franchise’s intentions. Under a Cold War bias, upon watching the original 1979 MAD MAX film for the first time, one constantly waits for and anticipates *the* thermonuclear event necessary to begin the narrative expected. This clichéd imagery was not provided, as instead the original MAD MAX film resembles Marlon Brando’s *THE WILD ONE* (1953). Here, both stories move forward as a gang turns on a local police unit as retribution for the loss of a fellow member.³⁹⁷ Here, the Aussie gang is constantly on the hunt for the dwindling gasoline sources necessary to continue their cross-country hooligan romp so as to remember the life of Nightrider, a lost member who died while commandeering a Police Interceptor.

To watch the second installment of the franchise MAD MAX II: THE ROAD WARRIOR (1981), one will wait in vain as the film never uses the thermonuclear mushroom cloud imagery, avoiding any visual declaration of a nuclear holocaust as the basis for Wasteland anarchy. There is, instead, a lengthy opening montage of civilization collapsing on itself, narrated in an effort to explain both films MAD MAX and THE ROAD WARRIOR in a fictional timeline and logic. The montage focuses on oil production and the necessity of fueling Western civilization’s industrial complex, or “the machine” as it is referred to in the film. World War II imagery, fire, oil derricks, and footage from the original MAD MAX film are all intercut so as to convey a new post-apocalyptic setting

³⁹⁵ Josh Levin & Chris Wilson, *How is America Going to End?*, SLATE MAGAZINE (Aug. 7, 2009).

³⁹⁶ *Id.* Levin & Wilson’s article outlined 144 potential causes for a contemporary apocalypse without characterizing them into general categories. Other science fiction sources have categorized such events into fewer, more general categories including the following: nuclear warfare, pandemic, impact event, cybernetic revolt, supernatural phenomena, resource depletion or some other general disaster. Levin & Wilson’s article found the top five most popular forms of a likely American apocalypse to be (1) Loose Nukes, (2) Peak Oil, (3) Antibiotic Resistance, (4) China Unloads U.S. Treasury, and (5) Peak Water. These general science fiction categories are largely correlative with real contemporary concerns shown by Levin & Wilson’s survey.

³⁹⁷ In *THE WILD ONE*, the gang under the leadership of Marlon Brando’s character overtakes a small town until his fellow gang-member is released from the local jail. In MAD MAX, the gang is in pursuit of the police officer played by Mel Gibson due to his involvement in the death of a fellow gangmember.

after the machine of society “has sputtered and stopped.” Although it is portrayed that a great world war has taken place to destabilize the world, it is not necessarily the nuclear holocaust as described in Janet Maslin’s NEW YORK TIMES review quoted above.

In fact, a nuclear holocaust is not mentioned throughout the sequence of films until minute 54 of the third installment, MAD MAX BEYOND THUNDERDOME. If you combine the time allocation presented by all three films as one complete presentation, a direct identification of a nuclear holocaust is not made until nearly 82% of the story has already finished.³⁹⁸ As MAD MAX BEYOND THUNDERDOME was the most popular of the three films, this post-facto application of the nuclear holocaust as the genesis of Max’s world makes sense, but unfortunately, this is a biased and misguided understanding of the film. Instead, the series has its apocalyptic genesis in petroleum resource scarcity, otherwise known as a ‘Peak Oil.’³⁹⁹

Another major indication that apocalyptic causation is due to scarcity and not nuclear war is the fact that the first two movies evidence none of the tell-tale signs of nuclear destruction. The first two movies are simply set in an alternative Australia where social conditions have changed while the physical landscape is largely normal. The setting appears to be the same as the time of the production except inhabitants lack access to human produced items and resources. Put another way, the natural landscape is normal but for the manner in which the humans of the story are living and interacting.

After watching all three films together, the viewer is to assume that a nuclear holocaust occurred in the 14 years between setting of THE ROAD WARRIOR and MAD MAX BEYOND THUNDERDOME. According to the narrative of all the films taken together, the resultant nuclear war was a consequence of resource scarcity, not as the initial causation of the film’s apocalyptic setting. Reiterating this narrative, Dr. Dealgood outlines this historic sequence as he addresses the spectators of the Thunderdome:

Listen on, listen on. This is the truth of it; fighting leads to killing, and killing gets to warring, and that was damn near the death of us all.

³⁹⁸ As MAD MAX (1971) is 88 minutes, MAD MAX II: THE ROAD WARRIOR (1981) is 95 minutes, and MAD MAX BEYOND THUNDERDOME (1985) is 107 minutes long, the total story is made up of 290 minutes. A direct reference to a nuclear holocaust does not occur until minute 54 of the third film as a tribe of children undertake an oral history of contemporary times since the demise of global society.

³⁹⁹ See Jorg Friedrichs, *Global energy crunch: How different parts of the world react to a peak oil scenario*, 38 ENERGY POLICY 4562 - 4569, 4562 (2010). Peak Oil is described in the following way: “Peak Oil theory predicts that oil production will soon start a terminal decline. Most authors imply, further, that no adequate alternate resource and technology will be available to replace oil as the backbone resource of industrial society.”

Look at us now, busted up and everyone talking about hard rain. But we've learned, by the dust of 'em all; Bartertown's learned. Now when men get to fighting, it happens here and it finishes here.

Two men enter, one man leaves.

Finally, it is evident that resource scarcity is the originating nuisance that was the causation of this post-apocalyptic fiction because the screenwriters have said as much. The original screenwriters of the series, George Miller and Byron Kennedy, stated in interviews they were most inspired for the MAD MAX trilogy by the violence that ensued at gas pumps in Australia during the oil embargo of 1973. George Miller was an emergency room physician at the time of the OPEC embargo, and after repairing the human carnage resultant from fights at the gas pump, he found inspiration for the post-oil MAD MAX storyline. Discussing this inspiration, the writers stated:

Yet there were further signs of the desperate measures individuals would take to ensure mobility. A couple of oil strikes that hit many pumps revealed the ferocity with which Australians would defend their right to fill a tank. Long queues formed at the stations with petrol – and anyone who tried to sneak ahead in the queue met raw violence. ... George and I wrote the script based on the thesis that people would do almost anything to keep vehicles moving and the assumption that nations would not consider the huge costs of providing infrastructure for alternative energy until it was too late.⁴⁰⁰

Telling of the reality of such roadside carnage, once MAD MAX was released for international audiences in 1979, the film was banned in New Zealand due to the “dominant effect of the film as a whole.”⁴⁰¹ Informal film history resources outline that the ban was due to scenes in the film that directly mirrored recent events of roadside violence. New Zealand's own population had experienced an exact episode of the same events months before the MAD MAX movie was released, proving especially troubling to local audiences and increased worry the film could incite gang violence. One scene in particular was cited as a near exact likeness to local events, whereby a cop had been left to burn to death in his vehicle by a gang on the open road.⁴⁰² The ban on the film was lifted in 1983 upon the film's VHS release and after the second film was a financial success in New Zealand.⁴⁰³ Important here is the fact that social pressures on the local population regarding limited gasoline sources had real impacts on civility in both Australia and New Zealand at the time the films were produced for larger international audiences.

⁴⁰⁰ James McCausland, *Scientists' Warnings Unheeded*, THE COURIER-MAIL QUEENSLAND NEWSPAPERS, (Dec. 4, 2006).

⁴⁰¹ New Zealand Censorship Database, *Office of Film & Literature Classification, Publication Number 007944* (March 23, 1981) <<http://www.censorship.govt.nz/DDA/Pages/Screens/DDA/DecisionSearchCriteriaPage.aspx>>.

⁴⁰² *Trivia for Mad Max*, THE INTERNET MOVIE DATABASE (2011) <<http://www.imdb.com/title/tt0079501/trivia>>.

⁴⁰³ *Id.*

In terms of the built environment presented in each of the films, a relative progression is evident in the language of each community's relationship to the greater outside world. In *MAD MAX*, as the narrative begins only "a few years from now," the film is a fictional account of the manner in which normal local civility degrades into a state of roadside anarchy just after the point of Peak Oil. The most powerful architectural expression of the built environment in the film is the dilapidated "HALLS OF JUSTICE" gateway, symbolizing the eventual loss of control by strained civic institutions. Beyond this symbolic measure, the *MAD MAX* film does not necessarily project any codified alternative expression of the built environment, as those revolutionary changes in society have not yet manifest in the *MAD MAX* narrative.

In the second film, *THE ROAD WARRIOR*, the filmmakers create the first iteration of an energy production community unique to the *MAD MAX* franchise. As the film series is an examination of the filmmakers' thesis of "how people would do anything to keep vehicles moving," *THE ROAD WARRIOR*'s primary focus is a small community defending an oil derrick and the last tanker of petro refined from its onsite facility. The producing community, who wear white as the "good" guys, defends the refinery so as to escape the Wasteland mayhem and use their last collective resources to reach a deserted North Australian coastal community. The gangs outside the walls of the community wish simply to exploit this last tanker of gasoline and move on to the next easily exploitable energy resource. This second film evidences a typical expectation for the viewer, that the good community must fortress themselves against the marauders who are ever present outside the walls of the refinery. Literally driving the narrative of the film, Max becomes a tanker-driving mercenary helping the "good" community escape the pillaging gang of killers.

In the third film, *MAD MAX BEYOND THUNDERDOME*, the filmmakers present an entirely different approach to the linguistic purpose of the built environment. Here, the "evil" gangs and the "good" resource producers have merged into a reciprocal, communal orientation housed within the walls of a secured merchant township, appropriately named Bartertown. So as to reiterate to viewers the very foundation of the *MAD MAX* franchise, the character Master-Blaster declares "Embargo On" at minute 20 of *MAD MAX BEYOND THUNDERDOME* simply to prove his technocratic power over Bartertown.⁴⁰⁴ By minute 38 of the movie, this vain abuse of power is the undoing of Master-Blaster's coexistence, and ultimately, their freedom from the control of policing thugs led by Auntie Entity.⁴⁰⁵ As the filmmakers believe people will do anything to keep

⁴⁰⁴ See GEORGE MILLER & GEORGE OGILVIE (Directors), *MAD MAX BEYOND THUNDERDOME*, min. 20 (Kennedy Miller Productions 1985).

⁴⁰⁵ See *id.* at min. 38.

their vehicles moving, the Master of the Master-Blaster team is literally enslaved so as to continue operation of Bartertown's methane-based power supply.

In order to keep the peace in a time of struggle and extreme resource scarcity, the founders of Bartertown created a draconian legal system and quasi-logical social structure to mitigate the pervasive gang mentality. This gang mentality is widespread as it is the dominant cultural paradigm of the surrounding Wasteland. Employing a retooled combination of classical and medieval forms of the built environment, Bartertown's design allows for relative control over an otherwise unruly population of scavengers. City leaders do this by actively merging the policies of the community with its urban environment. Within Bartertown's heavily policed walls, the gangs submit to a necessary authoritarian civility so as to take advantage of the oasis of free electricity and non-violent commerce. In submission, citizens have an ever-present awareness of the political impact of such walls as guards, lookouts and the Thunderdome itself reminds them that running amuck of these socially enforced rules shall have detrimental consequences.

Bartertown's genesis as a reaction to resource scarcity rather than a tragedy of Cold War politics improves its theoretical usefulness in contemporary conditions of the built environment.⁴⁰⁶ Although Bartertown is a fictional community of mercenaries, marauders and the other usual agents of capitalism, its design and execution was a project in furtherance of George Miller and Byron Kennedy's fundamental thesis regarding the violent defense of resources in times of scarcity. In other words, Bartertown has a lasting relevance in contemporary study due to its focus on ameliorating the nuisance of extreme resource scarcity after existing national and international mechanisms have failed to do so.

There is a frightening potential of the MAD MAX franchise in actually foretelling conditions that could unfold with global warming, water shortages, population increases or ironically, the impacts of an increased standard of living in Third World nations. Here, a prophetic revelation is possible, one that is so widespread so as to dignify the all-encompassing signification of an "apocalypse." Luckily, our ever evolving contemporary society has avoided such Biblical

⁴⁰⁶ *Planet could be 'unrecognizable' by 2050, experts say*, AGENCE FRANCE-PRESSE, Washington, D.C. (Feb. 20, 2011). This article continues the Malthusian argument that population growth will outpace resource capacity in the foreseeable future. To quote the article, it is expected that human society "must produce more food in the next 40 years than has been produced in the last 8,000." Although this article concerns possible food shortages, it is just as possible to expect energy shortages based on Peak Oil theories, water shortages based on international political instability in regions of great population growth, or scarcity of all sorts due to climate change. Further discussion of the Peak Oil theories are presented in the McCausland, *supra* note 400. Water shortage concerns, global warming, and other scare resource concerns are discussed at length in the HUNTER, ET. AL., *supra* note 33, at 23 - 25, 851 - 853, and 1363 - 1384. Resource scarcity concerns that are so acute so as to present threats to national security are termed as issues of "environmental security." Environmental security threats have become a reality in the Middle East, Bangladesh, and Slovakia, creating an 'ecology of violence' in such geopolitical hotspots. See HUNTER, ET. AL., *supra* note 33, at 1364 - 1365. See also Nick Robins & Charlie Pye-Smith, *The Ecology of Violence*, 153 NEW SCIENTIST 12-13, at 12.

breadths of failure in the past. Perhaps such luck is attributed to the fact that a lineage of technocratic soothsayers, spanning from the Reverend Thomas Malthus to Vice President Al Gore, have expressed a superior power in initiating adaptive innovation with rhetorical fervor rather than accurately predicting the global collapse of social order. Within this lineage resides the cinematic work of George Kennedy and Byron Miller as to Peak Oil, expressed in the MAD MAX franchise.

D.1.1.1. Helping Build a Better Tomorrow

With the MAD MAX franchise, the filmmakers build upon a universal prophetic image of the future from their experiences during the Oil Embargo of 1973. Their cinematic design for the future meets with its greatest international popularity in MAD MAX BEYOND THUNDERDOME, whereby they present the case for a source of energy production beyond the use of petroleum. Here, the Barbertown community employs pig-based methane for sustainable electricity and vehicular fuel. Seeing beyond the filth portrayed in the film, critics have noted this embedded cinematic invention of energy production as an affirmative vision for the future in spite of its setting in a misguided world.⁴⁰⁷ Such animal- and waste-based sources of energy production have actually gained in popularity since the film's release, representing a significant portion of the current renewable energy market.⁴⁰⁸

In the film MAD MAX BEYOND THUNDERDOME, Max enters this dismal, yet arguably sustainable community by crossing a gated threshold to retrieve his misappropriated supplies. On the gate overhead, it reads: BARTERTOWN - HELPING BUILD A BETTER TOMORROW. Barbertown is a walled merchant community secured against Wasteland anarchy and composed of 38 elements of the built environment (See **TABLE 11**).

⁴⁰⁷ Ebert, Roger, *Mad Max III (Beyond Thunderdome)*, EMPTY WORLD (Feb. 2010) <http://www.empty-world.com/film_mad_max_3.html>.

⁴⁰⁸ Since the late 1990's, utilizing captured animal waste to produce renewable energy has become a common source of alternative energy. The NEW YORK TIMES reported on success in Vermont to convert cattle-produced methane as a biogas energy source so as to enrich the financial success of small-scale dairy producers in the state. See Katie Zezmia, *Electricity From What Cows Leave Behind*, NEW YORK TIMES (Sept. 23, 2008). As the state producing the greatest number of cattle, the Texas State Energy Conservation Office has taken keen interest in promoting this additional source of revenues for ranch operators. See *Biomass Energy: Manure for Fuel*, STATE ENERGY CONSERVATION OFFICE (Feb. 22, 2011) <http://www.seco.cpa.state.tx.us/re_biomass-manure.htm>. In California, future multi-story data centers housing servers for the growing necessity of online digital capacity are increasingly utilizing local agricultural sources of methane gas for electricity. Hewlett-Packard has led this movement most recently from its headquarters in the Silicon Valley. See *HP Labs Designs Data Center Fueled by Manure*, HEWLETT-PACKARD (May 19, 2010) <<http://www.hp.com/hpinfo/newsroom/press/2010/100519xc.html>>. For an illustration of these Data Center Bio-Methane Systems, see **FIGURE 8**.

TABLE 11. Bartertown UAF Inventory

Overall		Land Area	Built Area
		1.60 acres	0.47 acre
Urban-Arch Features		20,529 sq.ft.	17,433 sq. ft.
	FIG. #	SQ. FT.	SQ. FT.
Trade Evaluation Desk	13	0	68
Weapon's Check Room	13	0	262
Public Entry Atrium	13	0	2,855
Public Roadway	12-13	13,730	0
Restaurant/Trade House #1	13, 16-17	952	1,904
Trade House #2	17	220	220
Trade House #3	17	90	90
Trade House #4	17	186	186
Trade House #5	17	188	188
Trade House #6	17	498	498
Tent #1	17	112	112
Trade Hanger #1	17	4	4
Trade Hanger #2	17	15	15
Animal Pen #1	16-17	368	0
Trade House #7	16	192	192
Animal Pen #2	16	608	0
Auction Block	15-16	157	157
Tent #2	15-16	96	96
Housing Oven	15	19	19
Tent #3	15	216	216
Windmill #1	15	3	3
Tent #4	15	60	60
Trade House #8	14	144	144
Watchtower #1	15	0	64
Watchtower #2	15	0	64
Thunderdome	13-14, 16-17	0	1963
Auntie Entity Mayoral Palace	14	0	920
Tent #5	16	120	120
Trade Storage #1	14	208	208
Atomic Café	14	95	95
Tent #6	14	68	68
Underworld Power Plant	18	0	6000
Trade House #9	14	147	147
Windmill #2	14	36	108
Commercial Oven	14	41	41
Animal Pen #3	17	1,611	0
Tent #7	17	152	152
Tent #8	17	194	194

D.1.1.1.1. Animal Pen #1 - # 3

Categorized as ‘Economic-Commercial’ resources, the 2,587 square feet of animal pens were built as measures to secure scarce resources for deals in Bartertown. These pens generally blend into the background of the community, acting as fillers between the elements of the village (*See **FIGURES 12 and 16-17***).

D.1.1.1.2. Atomic Café

Categorized as ‘Economic-Commercial’ resources, the 95 square foot Atomic Café was built as a measure to distribute scarce resources for deals in Bartertown. The Atomic Café is an iconic commercial venture in the film, as it is directly in front of the Thunderdome which provides the major source of communal entertainment with justice (*See **FIGURE 14***).

D.1.1.1.3. Auction Block

Categorized as ‘Economic-Commercial’ resources, the 157 square foot Auction Block was built as a measure to distribute scarce resources for deals in Bartertown. Resembling a small Shakespearean stage, the Auction Block is backed into a highly trafficked corner of the Bartertown community, surrounded by animal pens and storage units (*See **FIGURES 15-16***).

D.1.1.1.4. Auntie Entity’s Mayoral Palace

Categorized as a ‘Public Service’ resource, Auntie Entity’s Mayoral Palace is the most important state house for the Bartertown community, contributing 920 square feet of monumental design. This home on stilts acts both as a beacon to weary merchants and as a floating island of enforced order for those within the village’s rock walls (*See **FIGURES 9 and 14***).

D.1.1.1.5. Commercial Oven

Categorized as ‘Economic-Commercial’ resources, the 41 square foot outdoor commercial oven allows for service-based commerce in this merchant village (*See **FIGURE 14***).

D.1.1.1.6. Housing Oven

Categorized as an element of ‘Population & Housing’ resources, the 19 square foot Housing Oven was built as a measure to accommodate other needs for the residents of Bartertown. This oven complements the limited spaces for long-term residential needs available within the community (See **FIGURE 15**).

D.1.1.1.7. Public Entry Atrium

Categorized as a ‘Public Service’ resource, the 2,855 square foot Public Entry Atrium acts as a mechanism to queue and filter the general population for possible allowance within the Bartertown community. This process of judgment is necessary for security of the community as it limits the interior population to only those who have a purpose within the community’s walls. This keeps possible attackers at a safe distance from the non-violent business of the merchants inside. As spoken upon presentation at the trading desk by The Collector: “Got nothing to trade, you’ve got no business in Bartertown” (See **FIGURES 8 and 13**).

D.1.1.1.8. Public Roadway

Categorized as a ‘Transportation & Traffic’ resource, the 13,730 square feet of public roadways were built as a measure to adapt the existing site conditions for the purposes necessary for Bartertown’s aims (See **FIGURES 12-17**).

D.1.1.1.9. Restaurant/Trade House #1

Categorized as ‘Economic-Commercial’ resources, the two-story 1,904 square foot Restaurant/Trade House #1 was built as a measure to greet visitors upon their immediate entry into the community. Acting as the main subject of Bartertown as a community, this elaborate multi-level establishment not only greets new merchants, but also allows for extensive policing from its embedded perches. These perches can be seen in **FIGURE 8** on the left hand side of the image (See **FIGURES 12, 16-17**).

D.1.1.1.10. Trade House #2 - #9

Categorized as ‘Economic-Commercial’ resources, Trade Houses #2- #9 fill in the roughly one-acre bazaar with 1,665 square feet of secured space. These trade houses were built as a measure to reflexively design against the nuisance of resource scarcity (See **FIGURES 14** and **16-17**).

D.1.1.1.11. Tent #1 - #8

Categorized as ‘Population & Housing’ resources, Tents #1 – 8 were built to accommodate the other domestic needs for the residents of Bartertown, providing 1,018 square feet of minimalist living space. These tents allow the permanent residents of Bartertown a space to live within the protection of the community (See **FIGURES 14-17**).

D.1.1.1.12. Thunderdome

Categorized as a ‘Public Service’ resource, the 1,963 square foot Thunderdome was built as a method to clearly determine equity among Bartertown merchants. So as to avoid widespread conflict, the one-on-one nature of normalized Thunderdome contests to the death have been developed in the built environment so as to reflexively counteract the greater nuisance of violent resource management (See **FIGURES 9, 13-14, 16-17**).

D.1.1.1.13. Trade Evaluation Desk

Categorized as a ‘Public Service’ resource, the 68 square foot Trade Evaluation Desk was built as a measure to reflexively design against the nuisance of widespread resource scarcity. As already discussed, the Trade Evaluation Desk is a judgment point for those soliciting citizenship as traders in the Bartertown community (See **FIGURES 8** and **12**).

D.1.1.1.14. Trade Hanger #1 - #2

Categorized as ‘Economic-Commercial’ resources, the Trade Hangers #1 & #2 provide 19 square feet of storage capacity for securing scavenged goods in Bartertown. These trade hangers are a measure of reflexive design against the nuisance of extreme resource scarcity (See **FIGURE 17**).

D.1.1.1.15. Trade Storage #1

Categorized as ‘Economic-Commercial’ resources, the Trade Storage #1 provides 208 square feet of outbuilding storage capacity for securing scavenged goods in Bartertown. These trade hangers act as a measure to reflexively design against the nuisance of extreme resource scarcity (*See **FIGURE 14***).

D.1.1.1.16. Underworld Power Plant

Categorized as a ‘Utilities & Service Systems’ resource, the 6,000 square foot Underworld Power Plant is at the center of the drama of the final MAD MAX film. Based on the design and execution of Master, the Bartertown community enjoys electrical services utilizing the harvest and burning of methane gas from an underground pig feedlot. As electricity is rare in the MAD MAX post-peak oil world, a manifestation that represents the most daring of the reflexive designs against the nuisance of extreme resource scarcity (*See **FIGURE 9** and **18***).

D.1.1.1.17. Watchtower #1 - #2

Categorized as a ‘Public Service’ resource, the Watchtowers #1 & #2 are important in maintaining security against outside mobs looking to overtake the Bartertown community. These watchtowers make up 128 square feet of space to guard against the nuisance of extreme resource scarcity (*See **FIGURE 15***).

D.1.1.1.18. Weapon's Check Room

Categorized as a ‘Public Service’ resource, the 262 square foot Weapon’s Check Room is another element within the Public Entry Atrium. Important for maintaining security, this old-West form of gun-control is used extensively within the boundaries of the Bartertown community. This pre-emptive measure of civility is necessary so as to secure the merchants of Bartertown against the nuisance of normalized violence brought upon by extreme resource scarcity (*See **FIGURE 13***).

D.1.1.1.19. Windmill #1 - #2

Categorized as ‘Hydrology & Water’ resources, the 111 square feet made up of Windmills #1 & #2 are important in maintaining a clean water supply from underground sources. This source

protects against the nuisance of nuclear fallout brought upon by the effects of extreme resource scarcity in a post-Peak Oil society (See **FIGURES 14-15**).

D.1.1.2. Bartertown as Urban-Architectural Form

Auntie Entity, the political head of Bartertown, describes her community this way:

Look around mister, all this I built. Up to my armpits in blood and shit. Where there was desert, now there is a town. Where there was robbery, now is trade. Where there was despair, now there is hope. Civilization. I'll do anything to protect it. Today it is necessary to kill a man.⁴⁰⁹

Although not the largest of the architectural expressions within Bartertown, the Underworld Power Plant literally drives both the community and the premise of the story. By counter-modernizing against the nuisance impact of Peak Oil with a renewable form of energy production, Bartertown has created an oasis of civility for those wishing to avoid violence in the exchange of scarce resources.

Physically above this alternative power source, there is a walled community made of the 37 other listed elements of the built environment. The walls define a closed system of urbanity, one that reifies a post-liberal approach to human society after its citizens have suffered firsthand the failings of an improper attempt of global rationality. Bartertown exhibits its post-liberal bearings in the medieval use of walls, a tight militaristic control, and a normalized legal system that blends entertainment with draconian punishment. All citizens of this city-state collectively know, enjoy and enforce this communal social contract both to continue the peace and bolster the entertainment value of living in Bartertown.

Cult-like with choral recantation upon activation, the legal system of Bartertown has a direct relationship to the buildings that allow for its enforcement. Policing officials exhibit control on purposeful parapets, prominent armed watchtowers hover on the hillside to thwart gangs, and most importantly, the Thunderdome centers the small village to arbitrate internal complaints of equity and law. As an independent working mechanism to synergistically mesh the gangs and talented civic producers, Bartertown is designed to allow for that ultimate goal in contractual negotiation: a meeting of the minds.⁴¹⁰

⁴⁰⁹ MILLER & OGILVIE, *supra* note 404, at min. **XX**.

⁴¹⁰ A "meeting of the minds" is an adage in contract law that refers simply to the necessity of mutual assent in the creation of a legally enforceable contract. See CHARLES KNAPP & NATHAN CRYSTAL, PROBLEMS IN CONTRACT LAW: CASES AND MATERIALS, 36 - 37 (3rd ed. 1993).

As Auntie Entity stated in describing the Barbertown civilization, all this *she* built. Barbertown employs of family of scavenged materials and quasi-vernacular construction methods, manifesting an urban *and* political reality for those marginalized within the Wasteland. The Wasteland has been presented as a conceivable product of the current trajectory of globalization whereby an over dependence on finite petroleum resources leads to acute scarcity in the near future.⁴¹¹ As testament to her ability to personify collective ambitions, Barbertown stands as an urban-architectural form built for specific communal objectives in direct reaction to the shortsighted reliance on the distribution of a finite energy source.

D.1.1.3. Collective Expression of the Built Environment

Although it is a cinematic vision of post-apocalyptic urban design, the built environment of Barbertown is significant in its expressive value of a communal alternative to a gang-based societal norm established in MAD MAX and the ROAD WARRIOR. Although Auntie Entity may claim Barbertown as her own, in actuality her “civilization” has been built with her political skill to collect like-minded and talented survivors from the Australian. Here, the surviving population she has unified in a vision of a better future acted in concert to avoid complete marginalization.

To marginalize is “to exclude or ignore, especially by regulating to the outer edge of a group or by diverting the public’s attention to something else.”⁴¹² In the MAD MAX trilogy, the surviving Australian population has been marginalized, or rather, pushed into the outer edge by extreme resource scarcity. This outer edge is now a permanent condition of existence for the film’s inhabitants, as those that have survived since the eclipse of Peak Oil resources have thrived in the margins of post-apocalyptic humanity.

Manifesting from the Wasteland, the promoters of Barbertown have advanced an alternative, long-term vision for living in the world as the film is presented. Evaluating Barbertown after having experienced the full trilogy of films, there is a clear progression in the tactics chosen for newfound civility. By the time the MAD MAX BEYOND THUNDERDOME is presented for the audience, an enhanced political sophistication has developed somewhere between barbarism and the misunderstood precepts of the pre-apocalyptic liberal society.

⁴¹¹ The Association for the Study of Peak Oil (ASPO) considers that production of all oil already peaked in 2007, and that the production of both oil and gas peaked in 2010. This estimation joins a consensus of official energy organizations in asserting that the “era of cheap oil is over.” See Patrick Moriarty & Damon Honnery, *What energy levels can the Earth sustain?*, 37 ENERGY POLICY, 2469-2474 (2009).

⁴¹² WEBSTER’S NEW WORLD DICTIONARY, *supra* note 165, at 827.

Beginning with the first film *MAD MAX*, the story's protagonist Max has not yet lost his commitment to the rule of law at the beginning of the film. As Max continues to police the ever despotic landscape, gangs successfully erode the foundations of the local civil society (See **FIGURE 7**). This erosion of civility drives Max into "madness" beyond any adherence to the rule of law, triggering an insatiable hunger for violent retribution after his family is murdered.

With the second installment *THE ROAD WARRIOR*, the filmmakers have polarized this post-Peak Oil society into a struggle between producers and marauders (See **FIGURE 7**). Max, although better identified on the side of the marauder as he literally enslaves the first person he encounters in the film, eventually comes to the aid of the resource producing community as they attempt to escape the Wasteland and its dominant gang culture. In spite of the opportunity for Max to join with the producers in their reestablishment of a more just society in exile, Max willfully continues as a scavenging mercenary in the Wasteland after helping the producers find flight.

After approximately fourteen years, the landscape of the second installment *THE ROAD WARRIOR* has become even more blighted as a nuclear holocaust has visited the Wasteland sometime prior to the start of third installment *MAD MAX BEYOND THUNDERDOME*. "The day after," as Auntie Entity describes it, signifies the acute desperation created when a nuclear tragedy is added to the already dire plight of the post-Peak Oil society. This desperation leads the population that now makes up Bartertown to establish a unique collective expression of the built environment.

Specifically, Bartertown is based on a collection of five major urban services bundled and maintained by an informal executive council. This council is headed by Auntie Entity, the state political head of the small city. Under her, there are four major divisions of public services including security, utilities, arbitration, and accounting. Security includes both external defense and an internal policing, both managed by Ironbar. Utilities are headed by Master of the Master-Blaster pairing, whereby water, electricity and transportation are all managed by a proud engineer who openly threatens Auntie Entity's political power with energy embargos. Arbitration for Bartertown also has two functions: one in facilitating the creation of deals, the other for those breaking the rules of Bartertown. These two functions are executed in the most entertaining manner by a showman auctioneer named Dr. Dealgood. Finally, an accounting of both the ends of Bartertown as well as its ongoing citizen census is performed by The Collector. Each executive has their own element of the built environment. Altogether as an urban-architectural manifestation, they collectively represent a will to create a secure, entertaining

community for the undertaking of civilized commerce while keeping the Wasteland violence at bay. A diagram of the relationships and functions of Bartertown is shown in **FIGURE 10**.

D.1.1.4. Singular Linguistic Form in Reterritorialization

Unique to the urban-architectural form is its emphasis on a singularity in linguistic expression. This unique attribute is a functional one, as each urban-architectural form is executed in furtherance of specific goals by a clear communal actor in reaction to a perceived nuisance suffered by that actor. A singular linguistic form is thereby a product of the selected path to counteract such a nuisance, either by reverting to a pre-development condition (vernacular), to develop under contemporary rationality (vehicular), to redevelop in such a way that references culture or the senses (referential), or to redevelop so as to attempt a link between the place and communal spirituality (mythic).

In Bartertown, the coalition of municipal actors who have executed the urban-architectural form are developing under their best expression of contemporary rationality. In fact, they are themselves creating the newest iteration of a retroactive civic liberalization as they develop the Bartertown community in such a manner so as to relieve each individual necessity to join a defensive gang for survival. Legal doctrine, municipal services, security services and the fundamental communal compromise that marries the gangs of the Wasteland with remaining skilled professionals (or producers) are points of cultural advancement in this fictional extrapolation of a post-Peak Oil society. Due to these conditions, Bartertown is a singular linguistic expression of the vehicular category. As such, components of governmental and commercial utility dominate the substance of the built environment as it has been realized and is presented in the film.

Reviewing **FIGURES 20-23**, clearly commercial and governmental forms dominate the majority of Bartertown's communal expression. In fact, those commercial and governmental functions make up 94% of the realized built environment. Aesthetically, Bartertown has been written from a single built language of jimmy-rigged, *favela*-esque slum construction. Scrap materials have been recycled, reused and retooled to build the Bartertown community in furtherance of collective wishes for commerce and civility.

Bartertown is a purposeful vehicular reterritorialization of the Wasteland, a deterritorialized environment fraught with a history of anarchy and gang dominance. Bartertown has been written in a built environment of indigenous materials and building methods characteristic of the

major language, but employed for a singular linguistic form expressing commerce and municipal functions. Most importantly, Bartertown gives refuge to the marginalized civilized (or at least non-violent) trader, so they might openly exist and practice non-violent forms of interpersonal exchange.

D.1.2. Remedy with the Minor Expression

The inhabitants of Bartertown are the survivors on the Wasteland after a fictional, two-fold episode of apocalyptic social destruction. First marginalized by the failings of an over-dependence on petroleum-based global society, a second marginalization occurred after a nuclear apocalypse was unleashed in the race to control the little remaining fuel. Bartertown leaders, having realized the folly in this logic, have created a community that has based its energy production on a biologically-sourced energy resource: methane.

Methane acts as the driving remedy to counteract the overbearing nuisance of this post-Peak Oil global condition. In order to have created this production facility, a compromise was required between the violent and the mechanically productive. As the survivors in the race for petroleum-based energy sought solidarity, Bartertown represents a possible compromise between differing factions in the face of complete self-destruction. At some point prior to Max's arrival in Bartertown for the film *MAD MAX BEYOND THUNDERDOME*, Bartertown was an active expression of minor non-violent aims, counteracting the nuisance of contemporary global society.

Unfortunately, the success of Bartertown's compromise and resultant civility has been its greatest undoing. Although Bartertown was built utilizing a rhizomatic design process, the community has shifted into a de facto basis of organization. In other words, the rhizomatic has transitioned into an arborescent form of social construct. This arborescent form now hosts Auntie Entity at the top of a strictly vertical command structure, co-opting Bartertown's compromise with a militaristic dictate.

Although the community built its success in the demonstration of a civil interdependence between the strong and the mechanically productive, it has now transitioned into a hierarchal serfdom. With Auntie Entity's security forces lording over the merchant class and the mechanically productive, the prior ability of Bartertown to act as an enunciation of the egalitarian minority has disintegrated into yet another (albeit more sophisticated) product of the

dominant culture of the Wasteland. Once again, a marauding gang-based leadership is bullying a weaker population of civic producers for their talents.

In this case, although a marginalized population banded together to find remedy to the nuisance of their post-Peak Oil society employing a minor expression of the built environment, that expression has been converted into yet another product of the dominant culture. Unable to maintain a plateau of relative existence outside the inherent violence of the Wasteland, Bartertown fails to continue its existence as an assemblage of minor design.

D.1.2.1. Employment of Rhizomatic Process of Urban Development

It can be assured that Bartertown found initial solidarity in its rhizomatic process of urban development as ad hoc decisions and urban relationships were formalized. Such relationships began informally at the time of communal establishment in direct reaction to the Wasteland. Over time, it is conceivable that these initial decisions and relationships became normative, and thereby arborescent, as security threats and energy production required communal solidarity for successful survival. In other words, to avoid further losses in the violent chaos of the Wasteland, security was informally guaranteed to the Bartertown citizens in exchange for the adoption of an express overcode to maintain the power structure that emerged for initial collective success. Evidence of this overcode is expressed in chorus, whereby with every Bartertown infraction, legal doctrines are chanted in a sports arena fashion.

At this very transition from the rhizomatic to an arborescent social structure is the narrative point at which the film MAD MAX BEYOND THUNDERDOME introduces Max into the politics of Bartertown. Upon entering Bartertown, Max is enlisted as an assassin so as to insure the political head of the community, Auntie Entity, maintains ultimate control over the engineering head of the community, Master-Blaster. In this act of *forcing* a definite power paradigm of Bartertown management, those ad hoc relationships of minority solidarity immediately evaporate into segmented dictates of loyalty. This concerted effort of internal dominance is the first step towards the formation of a de facto city-state and the immediate degradation of opportunity for continued minority egalitarian enunciation.

At its genesis, the rhizomatic process of formalization of Bartertown can be read from the built environment. First of all, the natural conditions of the landscape allow for a high degree of defensibility. This natural setting for communal protection inherently draws a population seeking shelter from the violent banded warfare of the Wasteland. Further, the massive

defensive rock wall allows for the security of massive scavenged materials from the hinterland. Such things include various apparatus for storage, housing, and commerce. Examples of these early pieces include the Atomic Café, the Auction Block with its surrounding outbuildings, and scavenged working vehicles including the diesel freight truck (now housed in the underground power facility) that proves imperative in energy production for the community.

Such natural security also allows for the time and accumulated resource possession to construct long-term projects. Housing, municipal services, and civic monuments all take time and coordination, products of civility that could be executed under the relative peace provided by the rock wall. Examples of such long term projects evidenced in *Bartertown* include the Underworld Power Plant, Auntie Entity's Mayoral Palace, and most critical to the film, the Thunderdome.

Unfortunately, it is impossible to know the direct and fictional history of *Bartertown* so as to ascertain if it was developed in a rhizomatic method. But, according to the *MAD MAX* trilogy narrative, there is clearly a rhizomatic method leading to the formation of *Bartertown*. By Deleuzian analysis, Kafka employed written letters, short stories and his novels as the major elements of a minor writing machine. Here, the filmmakers have employed alternative forms of social structures in developing an expression of the minor civilization offshoot leading to *Bartertown*. Individual scavengers, gangs, resource encampments, and the post-apocalyptic city-state are the elements of the *MAD MAX* minor "machine" for urbanization.

For Kafka, personal letters and short stories were rhizomatic attempts at an ultimate assemblage expression: the novel. With the *MAD MAX* series, the individual scavengers, gangs, and resource encampments are previous attempts to invent the final assemblage expressed in the third film: the city-state. As Kafka's novel was a self-sufficient assemblage⁴¹³ enunciating a minority position according to historical, political and social conditions,⁴¹⁴ *Bartertown* succeeds in positing such a self-sufficient assemblage according to the historic, political and social ends of a global system of energy production overly reliant on non-renewable fossil fuels.

Here, the final product of cinematic civilization, *Bartertown* represents for George Miller and Byron Kennedy the same status of self-sufficient cultural expression as the novel represented for Kafka. As the gangs and the resource producers have merged to secure and defend a non-violent form of resource management in the Wasteland, *Bartertown* becomes an energy oasis on the

⁴¹³ DELEUZE & GUATTARI'S KAFKA, *supra* note 29, at 38.

⁴¹⁴ *Id.* at 42.

post-Peak Oil landscape. As this village thrives on renewable fuels, the filmmakers have locally “fixed” a problem potentially posed by current global modernization.

Important to the rhizomatic method is the overt failure of expressive failures on the course to minor expression. According to Deleuzian analysis, Kafka employed his personal letters and short stories as methods to tease out attempts at a novel, all failing to create the “machinic indexes” necessary for a self-sufficient assemblage.⁴¹⁵ Failed rhizomatic attempts have been presented for the viewer in the MAD MAX and THE ROAD WARRIOR films, with each social structure finding no self-organizing structure. Over time, each individual scavenger, gang and resource encampment simply must take flight in order to avoid complete annihilation as refugees of the post-Peak Oil landscape.

Tellingly, the inhabitants of both MAD MAX and THE ROAD WARRIOR continue to rely on petroleum-based energy resources. In MAD MAX BEYOND THUNDERDOME, first and foremost, this misguided reliance on petroleum has been alleviated. The primary struggle for the Bartertown community is not a test of individual mobility on the road, but rather, the continued mobility towards rebuilding civilization in the face of internal political strife. Further, the major political transition exhibited in the film is in regard to managing novel resource abundance, not the continued survival in the face of scarcity.

As defined by Deleuzian literature in KAFKA: “a rhizome ceaselessly establishes connections between semiotic chains, organizations of power, and circumstances relative to the arts, sciences, and social struggles.”⁴¹⁶ Accepting the MAD MAX trilogy as the process by which Bartertown has been created on the post-Peak Oil landscape, this city-state is a product of rhizomatic formulation. Bartertown has connected and merged alliances between the strength of the gang, the technical knowledge of the resource producers, and the power structure of the medieval merchant city-state. Upon visually evaluating Bartertown for the first time after having previously watched MAD MAX and THE ROAD WARRIOR, the viewer immediately knows the progression of scavenging, gang formation, resource encampment, and now non-violent coexistence represented by the small city-state. A process that most likely sputtered, stopped, and started up again as sprouts ceaselessly pushed forward in new directions since formation. Bartertown is inherently a proclamation of communal survival in a post-petroleum economy, an entity that both create change with collective action while continuing to exhibit the impact of the social misfeasance perpetuated under extreme resource scarcity.

⁴¹⁵ *Id.* at 38.

⁴¹⁶ DELEUZE & GUATTARI'S A THOUSAND PLATEAUS, *supra* note 22, at 7.

As stated in *A THOUSAND PLATEAUS*, “there are knots of arborescence in rhizomes.”⁴¹⁷ In other words, cultural forms created by the rhizomatic process can quickly reorient into arborescent (paradigmatic) forms after a normative social structure has been secured by the community’s leadership.

Arborescent systems are hierarchical systems with centers of significance and subjectification, central automata like organized memories.⁴¹⁸

Its [Tracing’s] goal is to describe a de facto state, to maintain balance in intersubjective relations... on the basis of an overcoding structure or supporting axis, something that comes ready-made. The tree articulates and hierarchizes tracings; tracings are like the leaves of a tree.⁴¹⁹

As evidenced by Auntie Entity’s plot to assassinate Blaster of the Master-Blaster duo, Bartertown has transitioned into an arborescent social structure. Auntie’s plot is an intentional act of segmentation, an act to ensure the existing power relationships as realized are maintained regardless of their expressive appropriateness. With the assassination, a cultural paradigm has been pre-ordained for Bartertown that outlines “a de facto state,” a self-supporting axis of hierarchical power headed by Auntie Entity (*See* **FIGURE 25**). Put another way, Bartertown was realized via the ad hoc form-making methods of the rhizome, but in order to enforce security and maintain the existing power leadership, has adopted an arborescent cultural structure.

It is relatively clear that Bartertown as an urban-architectural form was developed as a rhizomatic enterprise by those marginalized within the Wasteland due to the impacts of the post-Peak Oil society. The Bartertown urban-architectural form was developed to employ the major language of the dominant culture (scavenging), but done so as to subvert the dominant culture’s gang-based, petroleum-driven anarchist tendencies. Even though the community was created so as to subvert this gang-based tendency, unfortunately, the film *MAD MAX BEYOND THUNDERDOME* begins its narrative at the moment when gang-based tendencies for dominance are manifesting in a unilateral take-over. By successfully denuding the physical power of one of the major leaders of the Bartertown, Auntie Entity has given in to the dominant culture’s hierarchal paradigm and created an “arborescent knot.” Although Bartertown may have been created using a rhizomatic process, it now exhibits an arborescent cultural structure.

⁴¹⁷ *Id.* at 20.

⁴¹⁸ *Id.* at 16.

⁴¹⁹ *Id.* at 12.

D.1.2.2. Undertaking the Characteristics of a Minor Architecture

Bartertown represents a community in flux as its leadership solidifies a collective paradigm of authority. This presents for the observer a matrix of mixed communication requiring sensitivity to the temporal condition of minor architecture. Although this community looks and interacts like one of minor characteristics, nonetheless, the community no longer collectively enunciates the political plight of the disenfranchised. In the following sections, an outline of how the values of this community have shifted from that of a minority condition to structured urban dominance is explored.

D.1.2.2.1. Deterritorialization of the Major Design Language

In explaining the concept of deterritorialization in terms of a minor literature, Deleuze and Guattari discuss two different phases of emphasis. Using Kafka's literature as an example, the authors outline how Kafka first employed the major language (German) in a physical space that itself was already deterritorialized. Within the (1) Jewish district of a (2) Czech capital controlled by the (3) Austrian Empire, Kafka's home for writing seemingly was at the center of a Russian nesting doll of cultural deterritorialization. Practicing the arts of a foreign language in this place of German language deterritorialization to the third degree allowed Kafka as a writer to take great liberties in expression as the local culture had little investment in the appropriate use of the dominant foreign language.

The second phase of Deleuzean emphasis regarding deterritorialization rests on the manner in which the practitioner literally *uses* the major language. As Deleuze and Guattari argue, Kafka used the written German language to subvert its very authority in the local culture. As a writer, Kafka stretched the language's structure and uses in such a manner so as to make it nearly unreadable. For example, single sentences written by Kafka in German actually run the length of an entire page. All the while subverting the oppressive major language, according to the authors, in doing so Kafka was actively inventing minority uses for the language in furtherance of his own endeavor to enunciate the disenfranchised position of the underserved local population.

Applying this to Bartertown, the first loci of emphasis must be evaluated as to Bartertown's home in the Wasteland. Spatially, it would be difficult to find a more deterritorialized landscape for which to practice any major design language. As the narrative is assumed, there have been decades of gang scavenging, looting and other opportunistic re-appropriation of the existing Australian built environment. Further, with the impacts of Peak Oil and a nuclear holocaust, all

known linguistically appropriate uses of the language of the built environment are lost to the survivors left with a will to build.

Examining the urban form employed by the filmmakers, a classic walled city has been developed from the scraps of the industrial revolution into a favela-esque merchant collective. Bartertown's guarded security wall, gated system of entry, serpentine roadway system, and explicit agora surrounded by trading venues all tell of a reinterpretation of classical Greco-Roman city design. Even though these elements all appear in the built design, the execution of such a scheme has an exaggerated and systemic inaccuracy in any historically appropriate construction. The exaggeration is due to the use of internal combustion vehicles within the city, where roadways and trails must accommodate the high-speed trajectory of atomized transportation. Further inaccuracies of a classical interpretation are due both to the available materials at hand and the necessity of capitalist entertainment which must simultaneously express civic policy. In this deconstructed form of a liberal justice system, the coliseum and the agora have been combined to form the Thunderdome, a one-stop location for equity *and* life-threatening drama. Here, the Thunderdome creates a literal metaphor for Bartertown's citizens. In accepting this draconian execution of justice, citizens are volunteering into a compromised civilized-gang ethic that cages the post-apocalyptic survivors in a collective of jerry-rigged civilization.

Further, many elements have been purposely subverted for the specific purposes of the post-Peak Oil minority residing in the Bartertown community. Knowing that the pre-Peak Oil civilization was nearly the "death of us all," subverting those classic forms all the while relying on them to escape the mistakes of the past makes for a tight political balance. Pushing these failed forms to their greatest margins, the citizens of Bartertown seemingly only maintain the very skeleton of the pre-Peak Oil world as they are ready to disengage this built language once a better syntax has been found. Bartertown is a vehicle of its own right, carrying the survivors on the Wasteland one measure further from scavenging and onto an unknown, potentially better future. What is known of this future is that it can not be underwritten by petroleum.

The survivors that inhabit Bartertown exhibit a high coefficient of deterritorialization in execution of the major design language. Filling a classic urban plan with the relics of the industrial revolution, Bartertown's merchants actively push the classical forms to their limits in terms of coherent cultural meaning. In doing so, this newfound dialect of the urban language allows the marginalized population an opportunity to reinvent their architecture as a proclamation of forced petroleum sobriety.

D.1.2.2.2. Connection of Individual to Political Immediacy

As is necessary in film, the Bartertown architecture tells the story of urban politics with a clear visual context and an ensemble of community actors. The auction block, Thunderdome, the mayoral palace, the massive stone wall; all these urban forms tell in their very design the nature of their use. Further, the details of this architectural language connect all that has been built within the Bartertown limits to the very same design genesis. Appropriated materials indicate the city's status as a post-Peak Oil invention. More importantly, the specific organization of these architectural ingredients into a greater urban-architectural form exhibit by demonstration the political solidarity of the collected population marginalized under petroleum dependence.

Most indicative of the pedestrian connection to the collective politics of Bartertown is proven in the actual behavior of her citizens. At multiple dramatic points in the film, the collective laws accepted in the social contract of the community and facilitated by the very design of Bartertown are recanted with uniform fervor. Evidencing this connection between the individual and the collective politics, all the events that elicit a choral response by the Bartertown citizenry occur between minutes 6 and 40 of the film *MAD MAX BEYOND THUNDERDOME*.⁴²⁰

The first occasion whereby the individual is connected to the political immediacy of Bartertown is in the crowded queue to enter the urban-architectural form. As all those in line are carrying items for trade to The Collector, deals are being made so as to allow acceptance into the protective walls of Bartertown. When Max comes to the head of the line with empty hands, The Collector initially waves him away with the statement: "Got nothing to trade, you've got no business in Bartertown."⁴²¹ At this very point of entry into the urban-architectural form, it is clear that only those of a particular merchant group are politically privileged to be within the city walls. A clear connection is made between the politics of the city, again, as a city available only to merchants, and the built environment.

Immediately thereafter, Max conveys his own worth as a mercenary (merchant of death) and is thereby accepted so long as he performs his services in anonymity. At the next pre-entry portal, there is a sign that states: *PARK YOUR WEAPONS HERE*. Again, The Collector explains to Max the common political knowledge of Bartertown with a single sentence: "Leave your weapons here, it's the law."⁴²² The ensemble of Bartertown onlookers convey to the film's audience that

⁴²⁰ MILLER & OGILVIE, *supra* note 404, at mins. 00:06:00 – 00:40:00.

⁴²¹ *Id.* at min. 00:06:46.

⁴²² *Id.* at min. 00:08:00.

this is an expectation of all those who enter the urban-architectural form. As yet another connection between the individual and the political immediacy of the urban language, every newcomer is stripped of their personal weapons while pursuing deals in the energy oasis. This time, the connection is made between politics and the built environment in that a secured, vaulted void is used to store the checked weapons and denude merchants of any uncivilized means to resolve conflict with an unfair form of open violence.

The third evidentiary episode is foreshadowed in the very title of the film: Max must face the Thunderdome while attempting to recover his supplies in Bartertown. As per an agreement he has made as a mercenary, Max must start a fight to the death with Blaster. To start, Max confronts the Master-Blaster pair in the open agora of Bartertown. Witnessed by all community members, Max antagonizes Master-Blaster regarding stolen property, that property being the Police Interceptor that has carried Max through the entire cinematic trilogy. Immediately at the first fit of “unfair” violence, Bartertown security personnel enforce the collective rules of nonviolence. After the altercation is suspended, Ironbar, who acts as head of security, directs Master-Blaster towards Auntie Entity’s Mayoral Palace with the following dialogue:

IRONBAR

Master-Blaster! Listen to the law!

THE COLLECTOR

Auntie, two men in dispute.

MASTER

These our witness, Auntie. Us suffered bad. Us want justice. We want Thunderdome!

AUNTIE ENTITY

You know the law. Two men enter.
One man leaves.

BARTERTOWN CHORUS

Two men enter, one man leaves. Two men enter, one man leaves.

MASTER

This Blaster, twenty men enter, only him leave.

AUNTIE ENTITY

Then it’s your choice: Thunderdome.⁴²³

⁴²³ *Id.* at min. 00:26:09.

After Auntie Entity calls the match to order by proclaiming “Thunderdome,” the film immediately cuts to the sign over the arena. The sign is a large backlit shadow box stating “THUNDER” and “DOME” with a flashing “LIVE!” splitting the two nouns.⁴²⁴

BARTERTOWN CHORUS
Auntie! Auntie! Auntie! Auntie! Auntie! Auntie!

AUNTIE ENTITY
Welcome to another edition of
THUNDERDOME!

BARTERTOWN CHORUS
*Yaaaaayyyy!*⁴²⁵

With this short sequence of shots, the filmmakers convey the importance of two major buildings in the Bartertown urban-architectural form. First, when equity is sought by Master-Blaster in regard to a dispute over the Interceptor, as was so in pre-modern times, equity is sought directly from a monarchical figure. Collectively understanding this deference to the political leader of the community, Auntie Entity’s Mayoral Palace is a focal point for all citizens. After summation, Auntie Entity restates a law of equity for an established fair resolution of interpersonal conflict: “Two men enter, one man leaves.” All in Bartertown know the law emanates from Auntie’s palace, and they convey that knowledge with their body language of deference to the sky-high residence and its lone empowered queen-like inhabitant.

The second major building is the Thunderdome itself. Here, the deterritorialization of the public arena has been exaggerated to such a degree that it has openly merged into a working venue of justice-as-entertainment. Here, this structure houses both the courts of equity and law with ample spectator space for all of Bartertown’s merchants. For an equitable solution, issues of fairness are dealt with by orchestrating an open, controlled fight to the death. In terms of decisions based on a contractual breach of the law, such issues are dealt with in this venue with the following civil code: “Bust a deal, face the wheel.”⁴²⁶ In other words, if a deal is broken, a decision is made automatically by the spin of a metal wheel, a devise that enumerates all punishments for legal breach. After the wheel is ferried into the Thunderdome, the mechanism’s guiding hand of judgment is spun by the defendant for dramatic impact. Although draconian, the Thunderdome accommodates a significantly better civil form of collective conduct than the prevailing gang-based anarchism exhibited in prior volumes of the MAD MAX trilogy.

⁴²⁴ *Id.*

⁴²⁵ *Id.* at min. 00:26:55.

⁴²⁶ *Id.* at min. 00:38:15.

So that all members of the Bartertown community can witness the results of such a legal proceeding, the wheel's chance-based sort of decree is executed in the Thunderdome. Holding such public judicial events in the Thunderdome as entertainment furthers the community's knowledge of binding law. First, the Thunderdome is the only single venue that can hold all of the community's members at once. Second, by hybridizing the judiciary proceedings with mass appeal, more members of the community participate as voyeurs in the process unleashed by justice's blind hand. These details further connect each person to the political immediacy of the marginalized community's unique methods of defining their own invested resistance to the Wasteland's form of cultural dominance. In other words, the severe conditions of justice created in Bartertown are nonetheless better than the anarchism practiced outside the village's wall.

With the Trade Evaluation Desk, Weapon's Check Room, Mayoral Palace, and Thunderdome, the very architecture of this urban-architectural form purposefully connects each individual to the politics of the community on a personal level. In fact, the very existence of Bartertown is a political statement of each survivor's commitment to rebuilding beyond the nuisance of a post-Peak Oil apocalypse in a renewable and more civilized manner.

D.1.2.2.3. Collective Enunciation of Disenfranchised Community

At the point at which MAD MAX BEYOND THUNDERDOME brings the focus onto the Bartertown community, two internal camps represented by the gang security force and producers have held a tight balance of mutual tolerance. Led politically by Auntie Entity, the forceful gangs have acquiesced to civility in return for the basic services of electricity, water resources, and a nonviolent method of continued resource management. Representing the other polemic within Bartertown, Master leads a team of technocrats who still understand the machines of the bygone industrial revolution. These producers acquiesce to cohabitating and supporting the reformed gang-like sectors of the community so as to enjoy their protection from outside security threats.

Once Max enters the community's narrative, this tight balance is dramatically swinging back and forth between Auntie and Master. Auntie is actively seeking an assassin to denude Master of his personal bodyguard Blaster. Master, exercising a much more public display of power expression, has erratically performed a series of energy embargos so as to humiliate and reify his own proclamations of Bartertown leadership. The balance of security and production is under considerable neglect as each side begins a selfish overcoding of the urban linguistics of Bartertown, applying their own paradigm of authority for ultimate dominance.

Although the built environment of Bartertown was written to represent a collective enunciation of the disenfranchised community, by the time Max faces Blaster in the Thunderdome that language has been co-opted for Auntie Entity's authoritarian purposes. Bartertown was built as a compromised coalition of Wasteland survivors seeking to form a community based on their marginalized position of civility. This civility relies on a socially accepted code, a common unspoken proclamation to live in relative peace, and a built environment that provides electricity for its merchant citizens. As sad as it may seem, Bartertown prior to the political jockeying between Auntie and Master could be seen as a beacon of progress in terms of its ability to enunciate an almost civilized, sustainable post-Peak Oil community.

Unfortunately, as Master asks Auntie Entity "Who run Bartertown?,"⁴²⁷ it is clear the collective voice of this Wasteland community has lost its legitimacy. With Master's insistence that he is the *de facto* ruler of Bartertown, he begins a race with Auntie Entity in overcoding Bartertown in favor the most authoritarian paradigm. And, as the filmmakers have reiterated in the past two episodes of the MAD MAX trilogy, once an authoritarian race begins between the gangs and producers, the gangs will either win or destroy everything in their path to do so.

That very same race that defines the MAD MAX trilogy is played out again in Bartertown. The audience witnesses a small trader's oasis on the edge of the Wasteland as it transforms itself from a mostly civil community into one of authoritarian dictate. This transformation voids the collective enunciation of Bartertown, and instead, further disenfranchises a community of survivors under the rule of an oppressive executive council. Worse yet, this imbalance is surely the end of the Bartertown's civic experiment as the compromise between producers and security has been violated, thereby crippling the community's effort to find an adequate response to the circumstances of a post-Peak Oil society.

D.1.3. A Home for the Marginalized Population

Although Bartertown has understood to have originally been built as a "home" for the marginalized merchant survivors of the post-Peak Oil global society, at the point at which the film MAD MAX BEYOND THUNDERDOME begins its narrative, that home's foundation has been undermined by the power race between Auntie Entity and Master. As the product of a minor design process is the assemblage, the following subsections discuss the ongoing transition of Bartertown from a relative oasis of scarce resources into a slightly more sophisticated

⁴²⁷ *Id.* at min. 21.

community of fascist control. Although the marginalized population temporarily had a home in Bartertown prior to the arrival of Max, after his assassin's display in the Thunderdome, that minority home was overtaken by the security forces led by Auntie Entity.

D.1.3.1. Balancing the Tetravalent Condition of the Assemblage in Establishing a Mechanism to Seek Environmental Justice

As discussed in Deleuzean terms, the assemblage acts as specific micro-strata within the greater stratum, one that is expressing its own re-coding over real historic, social and political landscape from within. Here, the stratum is represented as the Wasteland, a deterritorialized product of a post-Peak Oil global society. In the film, an assemblage is presented as Bartertown, an expressly defined territory where minority merchant difference has been maintained against the scarcity nuisance of the dominant culture. Unfortunately, the Bartertown assemblage has lost its tetravalent condition, thereby abandoning its potency as a mechanism in seeking environmental justice for the survivors.

The tetravalent condition of an assemblage is a dual balance of content *and* expression, all the while territorial *and* a product of deterritorialization. Just prior to the power race between Auntie Entity and Master, this four-part balancing act was maintained as a working compromise between greater gang security and the mechanically talented. But, upon the deal to eliminate Blaster from the Master-Blaster duo, the assemblage was lost to the overwhelming pressure of uncontrolled violence typical of the greater normative Wasteland culture.

Bartertown itself clearly conveys a specific content. The urban-architectural form as an artifact is made up of buildings, roads, mechanical systems, people, and a clear legal code accepted by the inhabitants. Unfortunately, once Auntie Entity overtakes the power balance between force and producers, Bartertown itself loses the quality of expression. Here, Bartertown is no longer an expression of the *other* civility amongst the Wasteland. It is now a normal, fascist-anarchist machine of scavenging and physical exploitation, where the strong can abuse the weak. No longer are the producers voluntary citizens developing a sustainable form of post-Peak Oil society, and with this change, the city loses its expressive value as a model of resistance.

Bartertown also clearly defines a territorial basis. With its exaggerated classical urban form and an impressive city wall, an individual immediately knows when they have crossed the threshold from the greater Wasteland into the confines of the Bartertown urban-architectural form.

Unfortunately for the success of maintaining the assemblage, once Bartertown submitted to control by force, it no longer acted as an active collective agent redefining the Wasteland.

While the compromise was maintained between forceful actors and the producers, Bartertown itself was a deterritorializing agent undermining the basic precept of post-Peak Oil marauding as the norm. Prior to Auntie Entity's overcoding, Bartertown was an actualized form of sustainable energy, cooperative leadership, and an "in-between" station that was open to both gang and producing agents, thereby re-conceptualizing the eternal strife presented by the MAD MAX narrative. But, upon Auntie Entity's forced control of the urban-architectural form, the community was no longer an agent of deterritorialization upon the Wasteland. Rather, it represented a reification of anarchist force as the paradigmatic definition of human culture in the post-Peak Oil global society. The story of MAD MAX BEYOND THUNDERDOME is the undoing of the Bartertown assemblage and the community's acquiescence to the terms of the dominant culture's paradigm of normal society.

D.1.3.2. Decoding of Territory for Equity

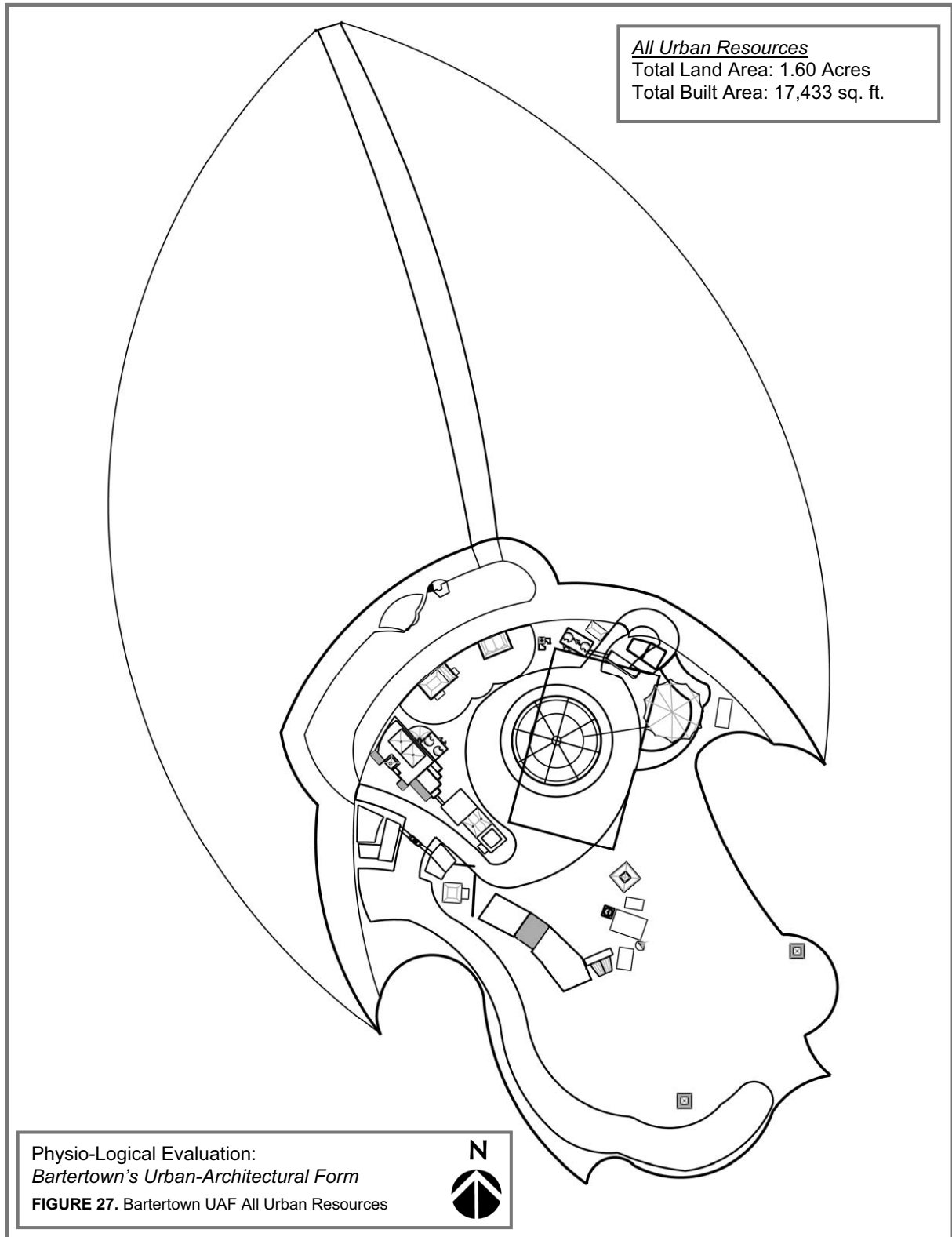
Bartertown brings to the forefront, and in essence, *decodes* the underlying issue of inequity regarding the distribution of scarce resources after the deconstruction of liberal society. Defining the two sectors of the MAD MAX worldview, there are those who can secure resources by force (the gangs) pitted against those who can secure resources by mechanical ingenuity (the producers). It is clearly unfair for people to literally take resources from others simply due to their physical dominance of the other. On the other hand, there is an underlying inequity in the hoarding of resources by those who have the knowledge to retool the artifacts of the industrial revolution for productive means. Further, there is a much larger inequity present in the MAD MAX world, as there are far too few resources to support the existing population at pre-Peak Oil expectations. Altogether, there is a compound issue of both supply and distribution, both of which are addressed in the design of Bartertown.

First, Bartertown has dealt with the most pressing issue of an energy-scarce global society. The founders have done this by literally building a renewable oasis of energy that is free and available to all those who are deemed citizens of the community. Citizenship is thereby determined by the willingness and ability of individuals to actively participate in the community. Here, citizenship is deemed acceptable by The Collector based on the ability of person to offer resources for trade as a merchant in Bartertown.

Important in this informal social contract is a robust security apparatus. This security apparatus first protects Bartertown when it acts as small military force to defend residents against outside gangs hoping to scavenge from the urban cache of resources. Second, the security apparatus enforces the underlying non-violent basis of civil trade within the community, essentially providing a police function for Bartertown members. Finally, the security apparatus enforces the swift legal system in the unfortunate event citizens have violated the collective legal system, merging a due process function with punishment execution in an entertaining manner. Ultimately, this final function is the active enforcement of such chants discussed above including “Two men enter, one man leaves” and “bust a deal, face the wheel.”

With security and merchant selectivity, this sophisticated oasis of resource management, at its core, decodes the inequity of the post-Peak Oil landscape so as to “Build a Better Tomorrow.” Unfortunately for the survival of the community, the underlying mechanism of equity is violated at the point by which Auntie Entity takes full unilateral control of Bartertown by force, corrupting the security apparatus to her own inequitable end. By Auntie Entity’s hand, the informal social contract is violated as the compromise between the producers and the gangs has been overtaken by the interests of the gangs.

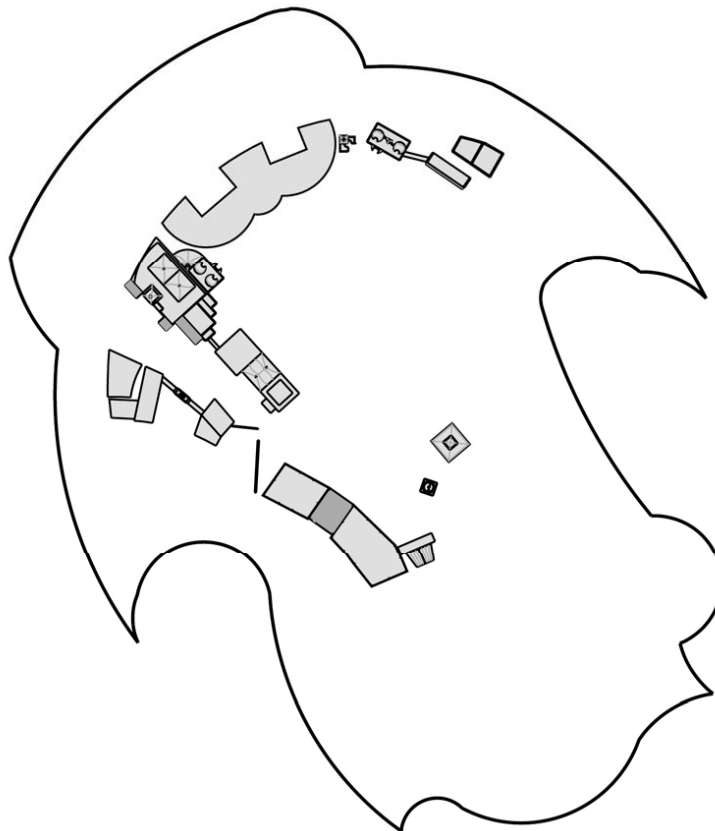
From this point forward, Bartertown is the subject of unifying redefinition in favor of Auntie Entity’s cultural regime. Auntie Entity’s actions frustrate the capacity of Bartertown in decoding the inequity of the dominant culture, thereby re-submerging this *other* merchant territory back into the greater dominant milieu. In effect, although this marginalized population had successfully decoded a portion of territory in furtherance of communal equity, it has now fallen back into the indistinguishable stratum of the dominant culture. Immediately following are **FIGURES 27** through **37**, figures which graphically detail the results of the physio-logical evaluation and newspaper analysis of the Bartertown case study.



Economic & Commercial Resources

Total Land Area: 0.13 Acres

Total Built Area: 4,088 sq. ft.



Physio-Logical Evaluation:
Bartertown's Urban-Architectural Form

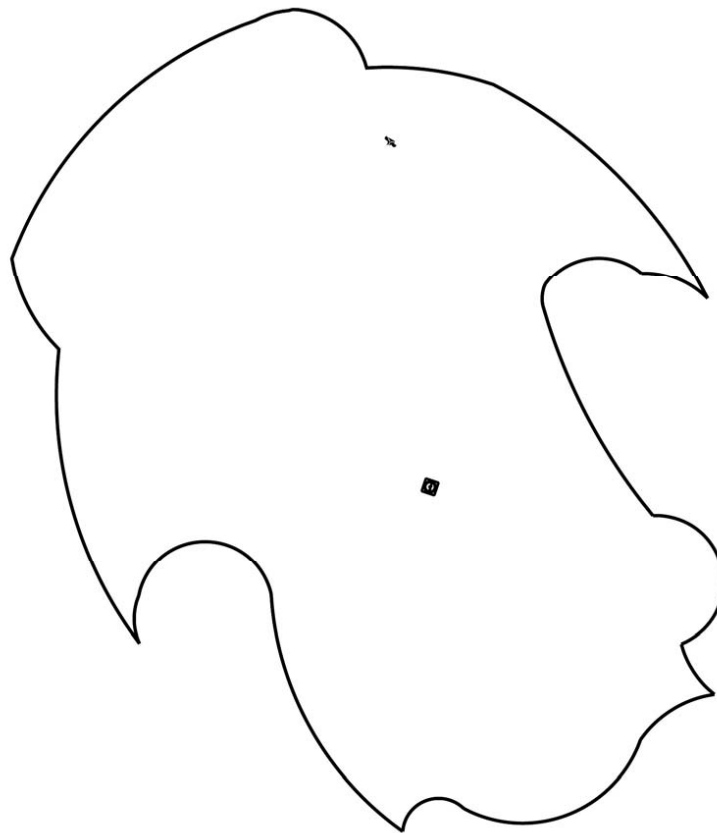
FIGURE 28. Bartertown UAF Economic Resources



Hydrology & Water Resources

Total Land Area: 0 Acres

Total Built Area: 111 sq. ft.



Physio-Logical Evaluation:
Bartertown's Urban-Architectural Form

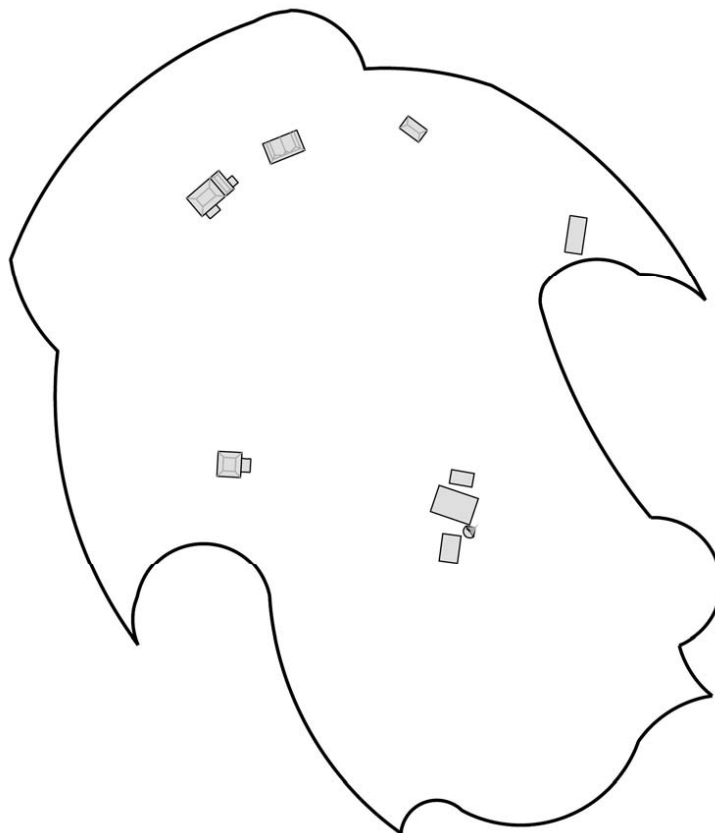
FIGURE 29. Bartertown UAF Water Resources



Population & Housing Resources

Total Land Area: 0.02 Acres

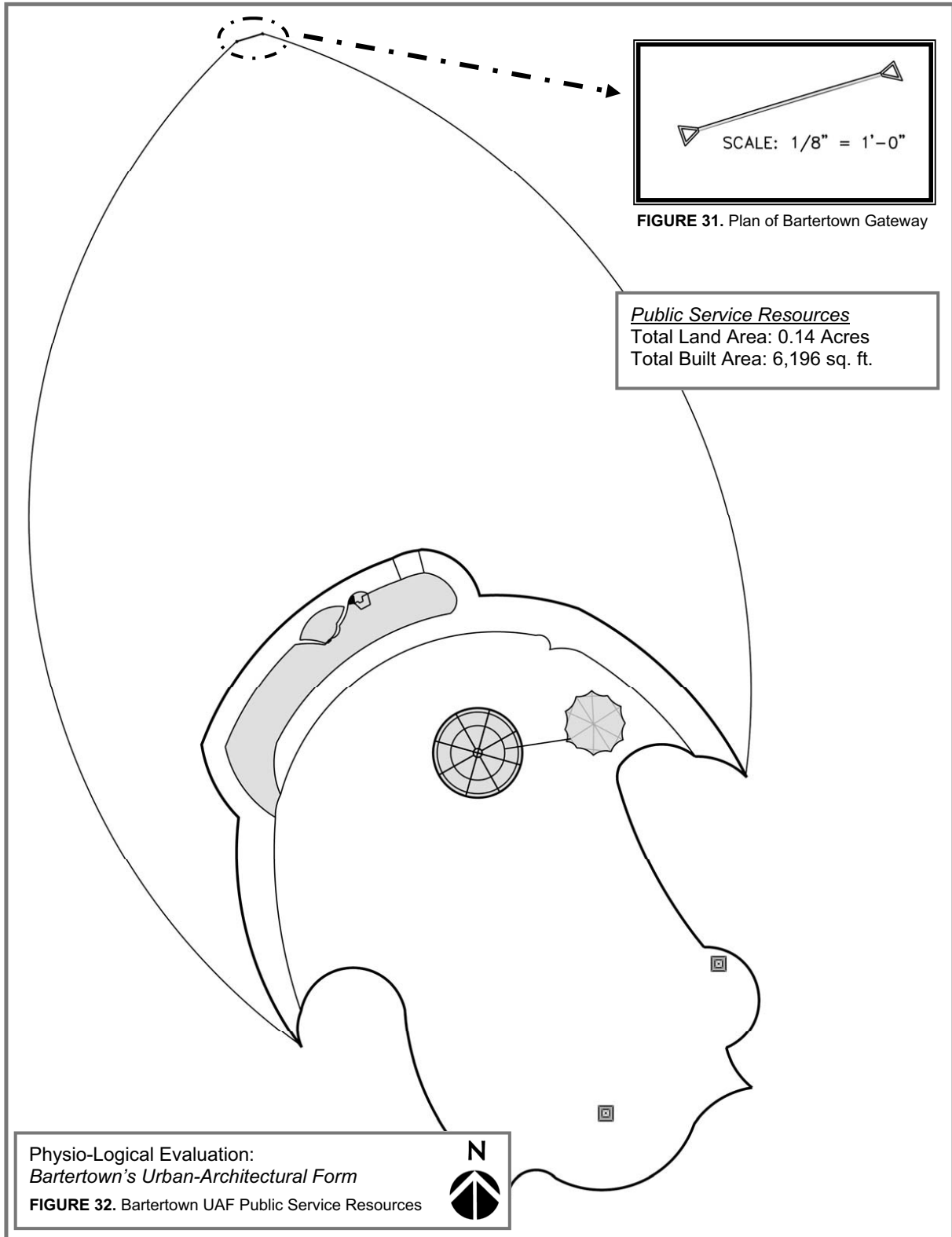
Total Built Area: 1,037 sq. ft.



Physio-Logical Evaluation:
Bartertown's Urban-Architectural Form

FIGURE 30. Bartertown UAF Housing Resources

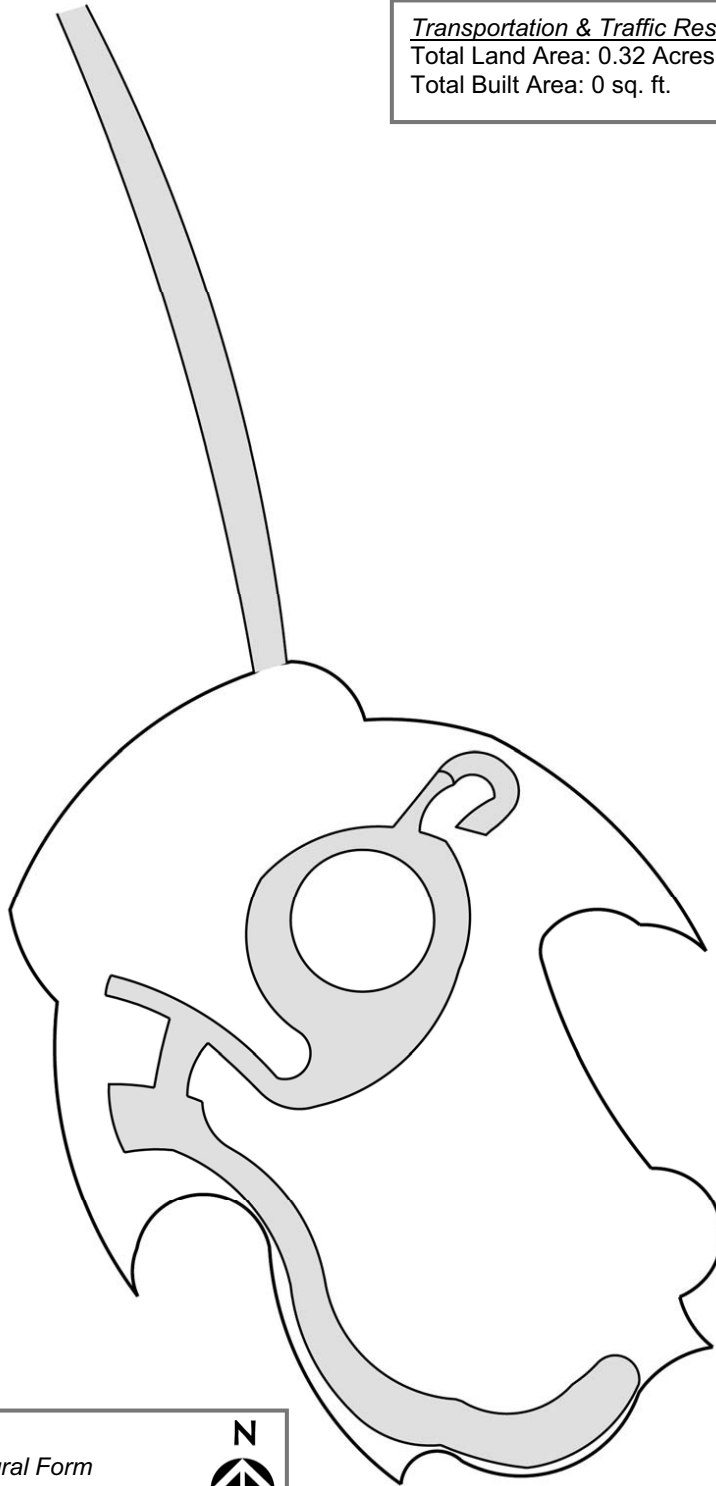




Transportation & Traffic Resources

Total Land Area: 0.32 Acres

Total Built Area: 0 sq. ft.



Physio-Logical Evaluation:
Bartertown's Urban-Architectural Form

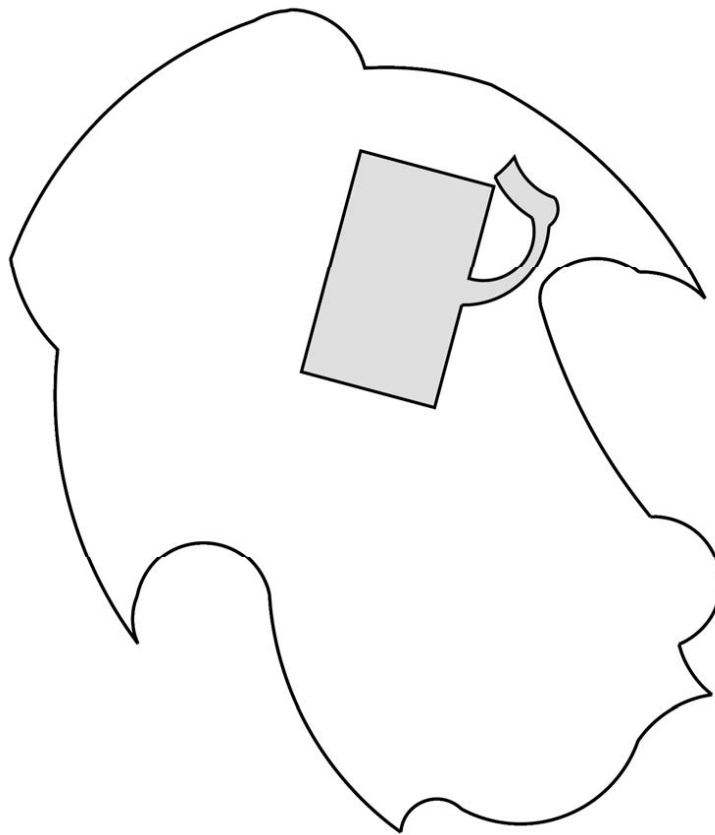
FIGURE 33. Bartertown UAF Transportation Resources



Utility & Service System Resources

Total Land Area: 0.14 Acres

Total Built Area: 6,000 sq. ft.



Physio-Logical Evaluation:
Bartertown's Urban-Architectural Form

FIGURE 34. Bartertown UAF Service System Resources



Bartertown

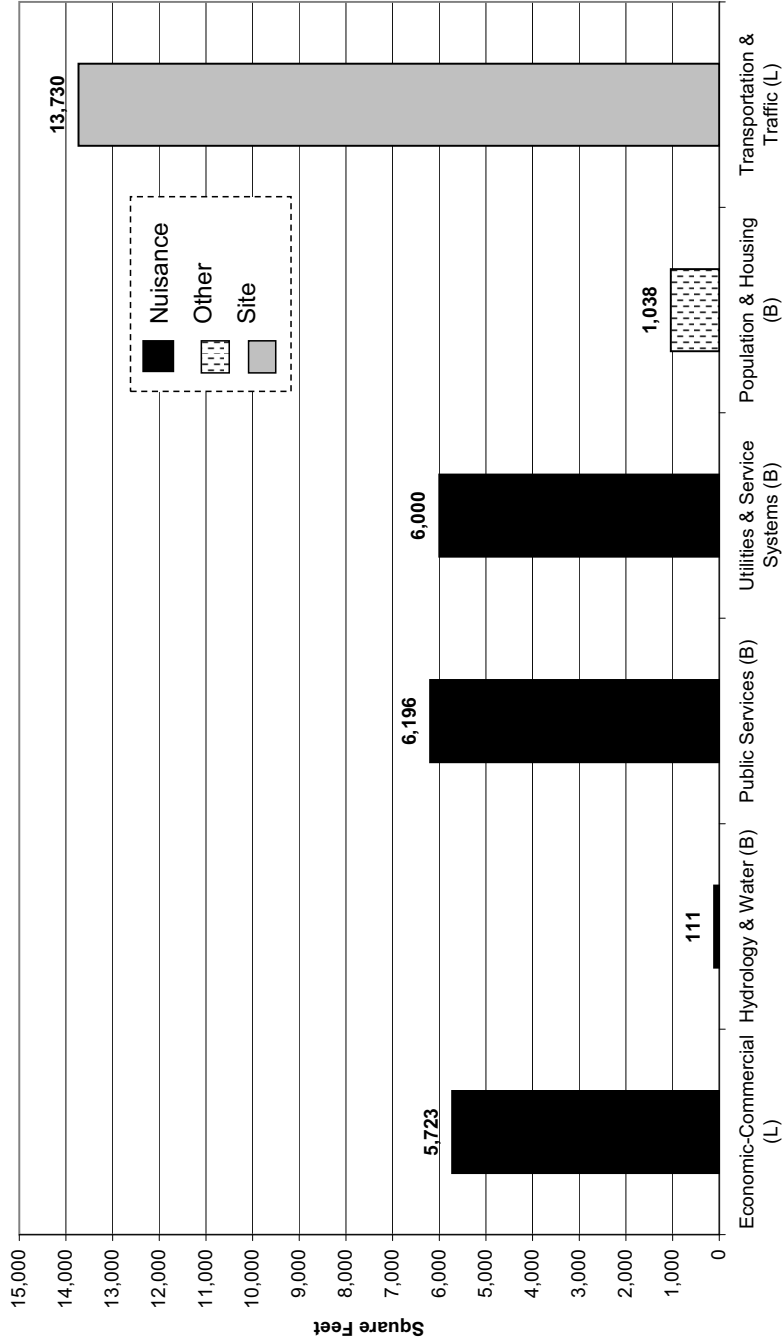


FIGURE 35. Bartertown Urban Resource Utilization

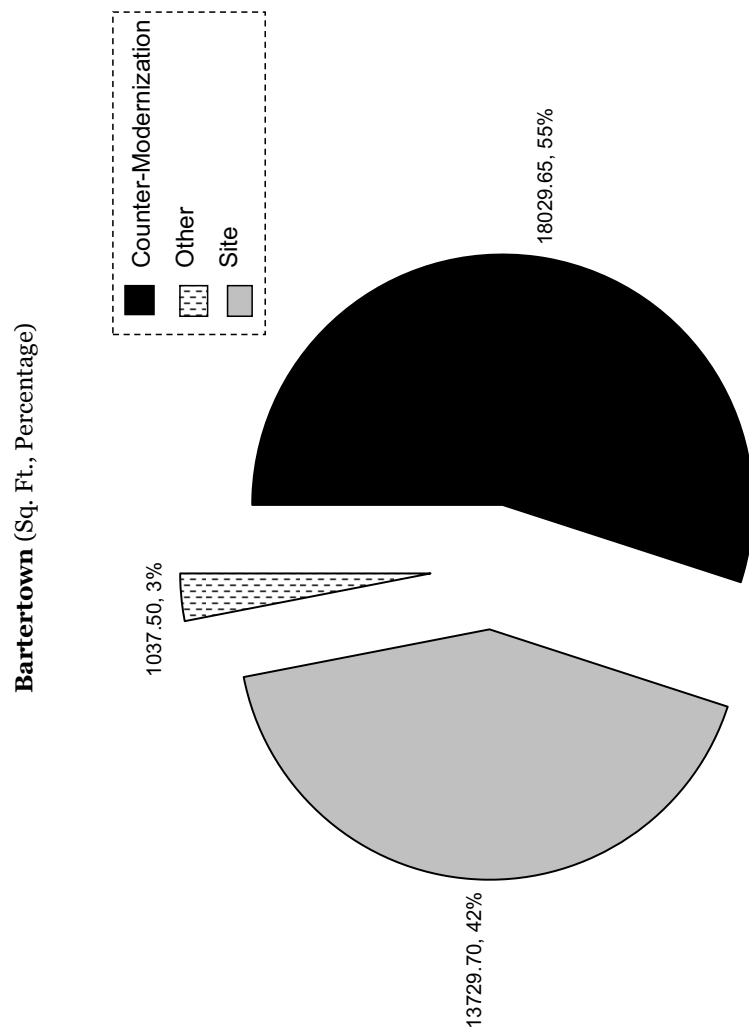


FIGURE 36. Bartertown Proportional Outlay of Urban Resources

Bartertown - New York Times

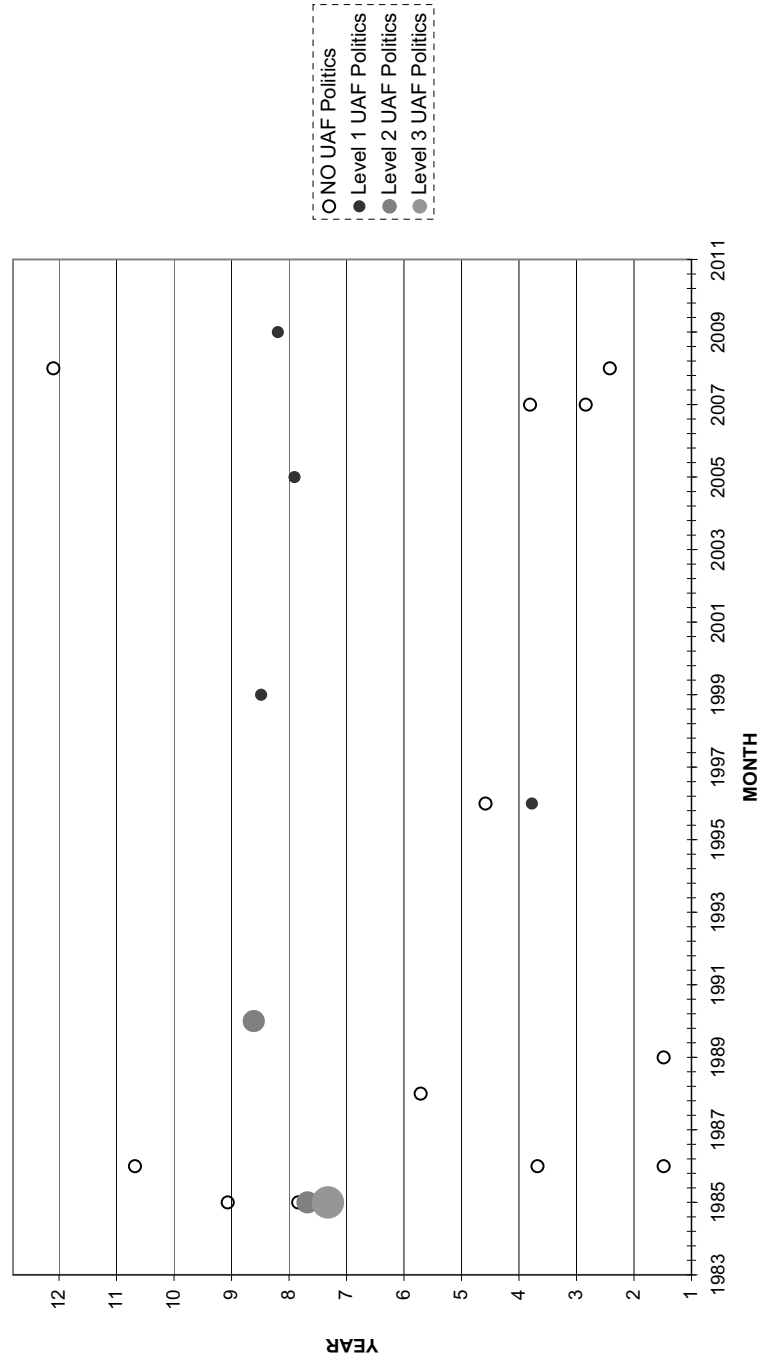


FIGURE 37. Bartertown: New York Times Analysis

D.1.4. Results of Physio-Logical Evaluation

Two supplemental empirical studies have been undertaken so as to verify or negate the findings of the traditional historical-interpretive method of testing the Bartertown urban-architectural form. The first empirical study is a plan-based observation of the Bartertown urban-architectural form. All the land use and built expressions by the community have been categorized based on either the targeted responsiveness to the nuisance of global modernization [nuisance], its responsiveness to existing site conditions [site], or other services required of the urban-architectural form [other]. After categorization, land use and built areas were tabulated for comparisons in terms of the purpose of built urban form. This categorization and tabulation thereby allows for a legibility of the urban-resource expression as per communal aims, existing physical conditions, and other non-nuisance concerns (*See* **FIGURE 35**).

The nuisance of greatest importance in a post-Peak Oil global society is a general and overwhelming degree of resource scarcity, especially as it concerns fuel. Other secondary nuisances evident from the MAD MAX trilogy are the degradation of community services and the fallout from a resultant nuclear holocaust. After categorizing the urban plan, six resource types dominate the Bartertown urban-architectural form as presented in the film: “Economic-Commercial,” “Hydrology & Water,” “Public Services,” “Utilities & Service Systems,” “Population & Housing,” and “Transportation & Traffic.”

Directly counter-modernizing against the nuisance of greatest concern, 5,723 square feet of the urban development has been devoted to “Economic-Commercial” uses. This substantial collective investment in merchant space allows for a civilized management of the scarce resources of the remaining post-Peak Oil global society. Secondary, yet equally acute nuisances have been addressed with counter-modernization in terms of the watershed impacts of the post-Peak Oil society. As per the degradation of community services, “Public Services” measure as 6,196 square feet and “Utilities & Service System” measure as 6,000 square, both of which have been developed within the Bartertown urban envelope in direct response to post-Peak Oil conditions. So as to mitigate the secondary impacts of “hard rain” brought upon by the nuclear holocaust, 111 square feet of the urban realm has been invested in the deliver of safe, potable water for the community’s inhabitants, representative of the “Hydrology & Water” category. These primary and secondary developments of counter-modernization make up 55% of the built environment of Bartertown (*See* **FIGURE 36**).

Two other use categories are represented in the urban plan of Bartertown: “Population & Housing” and “Transportation & Traffic.” As the population of the post-Peak Oil global society has been diminished by the waves of tragedy faced on the Wasteland, housing units would be assumed to be plentiful throughout the Australian continent. Categorized as an “other” sort of development, these on-site housing accommodations are not strictly a form of counter-modernization in response to the nuisance of a post-Peak Oil society, nor are they site specific developments. Rather, they have been developed as a convenience for the resident merchants so they may live near their scavenged commodities within the urban-architectural border of Bartertown.

Finally, that urban development use categorized as “Transportation & Traffic” is strictly site specific to the Bartertown location. Due to the secluded nature of Bartertown on the fringes of the Wasteland, Bartertown requires a significant urban investment in accommodating vehicular transportation. Further, as this was the end point for a rail system at some point, this small community has in its development enhanced the site with a traffic system scaled for automobiles. The “Transportation & Traffic” resource uses are categorized as a “site” sort of development. Unfortunately, urban resources devoted to automobile transportation actually further frustrate a post-Peak Oil nuisance on the community, forcing increased energy use for vehicular mobility.

“Site” developments in the form of “Transportation & Traffic” uses make up a full 42% of the total urban development of Bartertown. “Other” developments in the form of “Housing & Population” uses make up only 3% of the total urban development of Bartertown. Altogether, these resource developments that are not focused on counter-modernization make up less than the majority of the urban development of Bartertown (*See **FIGURE 36***).

In summary, after execution of the physio-logical evaluation of Bartertown, it is clear that although the development was undertaken so as to counter-modernize against the nuisance of the post-Peak Oil global society, the village does not meet the supermajority threshold of relative urban development. As the supermajority of the development in Bartertown has not been devoted to urban spaces created to actively ameliorate the resource scarcity nuisance, this case fails to be validated as a product of minor architecture.

D.1.5. Results of Correlative Newspaper Analysis

A correlative newspaper analysis is the second of the two supplemental empirical studies undertaken so as to verify the findings of the historical-interpretive evaluation of Bartertown’s

urban-architectural form. Newsprint evidence was harvested from a comprehensive archive search of the NEW YORK TIMES as it pertained to the film MAD MAX BEYOND THUNDERDOME. After all articles were collected, the evidence was organized and presented so as to verify or highlight inconsistencies as it concerns the findings of the case study. Entailed in the organization, a system of evidentiary coding was applied to all applicable articles that discussed both the marginalized population and the real property location they inhabited as directly referenced in the case study. Each article was reviewed for word phrase “triggers” or evidentiary “incidents” that, after tabulation, potentially express correlative relationships between the marginalized population, the built environment, and reflexive developments by the marginalized population in response to the dominant culture’s actions of modernization.

TABLE 12. Verification of Bartertown Correlative Newspaper Analysis

00.0%	<i>Correlation between “home” of tested minor community and primary issue of political significance.</i> 0.000 New York Times ⁴²⁸
36.8%	<i>Expression of Nuisance</i> 0.368 New York Times
15.8%	<i>Expression of Minority Response to Nuisance</i> 0.158 New York Times
05.3%	<i>Expression of Equity Undertaken Due to Political Discourse</i> 0.053 New York Times
00.0%	<i>Expression of Representation Value in Newsprint</i> 0.000 New York Times
00.0%	FAIL
	VERIFICATION OF CORRELATIVE NEWSPAPER ANALYSIS

Restating prior sections, the nuisance of greatest importance in a post-Peak Oil global society is a general and overwhelming degree of resource scarcity due to the lack of fuel. Other secondary nuisances evident from the MAD MAX trilogy are the degradation of community services and the fallout from a resultant nuclear holocaust. From the date that the film MAD MAX BEYOND THUNDERDOME was released in the United States until the present, 19 articles were written in the NEW YORK TIMES regarding the film. All 19 articles have been graphically represented in **FIGURE 36**, noted as per their relative correlation to the article’s reflection of a marginalized population responding to a nuisance of globalization with urban-architectural design.

⁴²⁸ A second newspaper validation was not undertaken as an appropriate regional Australian newsprint archive was not available to the researcher at the time of the Bartertown study.

These correlations were determined with a process of coding, whereby incidents of “nuisance”, “response”, “equity” and “representation” were flagged and tabulated. After tabulation, a determination as to the political potency was undertaken, whereby if there were no incidents in the selected article, that article would have a UAF Politics determination of “0.” If the article had three of the four possible incidents, that article would have a UAF Politics determination of “3.” Finally, if a single article had all four incidents, it would receive a determination of “4.” This allowed for the creation of a scale from “0” – “4,” that could be graphically represented and based on the date the article was published.

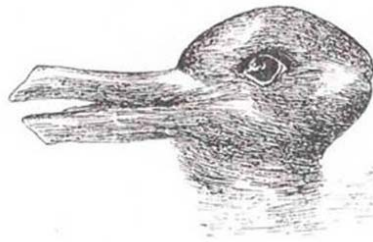


FIGURE 38. Duck-Rabbit Illusion

After tabulation and graphic representation of all the NEW YORK TIMES articles concerning the film *MAD MAX BEYOND THUNDERDOME*, Bartertown as an urban-architectural form enunciating the political desires of this minority community did very poorly. In fact, there was not a single article that had an incident whereby Bartertown was cataloged as a representative community discussing the ills of globalization and the likelihood of an approaching post-Peak Oil nuisance, making for a 0.0% correlation between the home of the tested minor community and the primary issue of political significance.

Alarming, none of the articles in the NEW YORK TIMES acknowledged the emphasis placed on post-Peak Oil environmentalism, as it was the focus of the *MAD MAX* trilogy. This was true in spite of the overt intention of the filmmakers to develop dialogue on this scenario in the science fiction genre of cinema. In conclusion, the nuisances identified and responded to as a result of globalization have no correlation in newsprint as surveyed. After the execution of correlative newspaper analysis in terms of the select case study, the reality as created in narration has not been validated in newsprint after archive organization, coding and determination due to the fact the incidence of political reflection scored well below a majority (50%) threshold required for newspaper validation (See **TABLE 12**).

D.1.6. Conclusion: Pass or Fail

FAIL. Perhaps it is best to begin this evaluation with the adage: *if it looks like a duck, walks like duck, and talks like a duck, it is a duck*. Used frequently in business law, a court can judge the fitness of corporation if the business entity acts, appears to be, and communicates as expected of a corporation. Here, the same can be said for Bartertown's potential expression of minor architecture (See **TABLE 13**).

Reviewing the findings of the multiplicity of tests performed as to judging the minor expression of a the built environment, the "looking", "talking" and "walking" categories of minority expression have not been validated in terms of this village's post-Peak Oil circumstances. First, concerning the "walking" ability of Bartertown, it is highly likely that the designers created an urban-architectural form that began as a minor expression, but unfortunately, have converted this form into an arborescent (non-minor) form of the built environment. Second, as to the ability of Bartertown to look like a duck, the physio-logical evaluation proves lacking. In other words, Bartertown *almost* looks like a minor expression of the built environment due to its initial measure of counter-modernizing development, but ultimately fails as it falls into the control of the dominant gang-based norm of the Wasteland. Finally, as to the ability of Bartertown to talk as a minor expression of the built environment, this urban-architectural form overwhelmingly fails to enunciate the marginalization impact potential of Peak Oil, as tested in the correlative newspaper evaluation.

More interesting in regards to this case study is the observation of the transition of Bartertown, a concept that can be explained by the employing the duck-rabbit illusion shown in **FIGURE 38**. As Bartertown was developed using the rhizomatic process, Wasteland survivors expressed coordinated collective solidarity against the hypothetical ills of extreme fuel scarcity brought upon by a failed course of globalization. At the start of MAD MAX BEYOND THUNDERDOME, the film centers on the forcible overtaking of Bartertown by Auntie Entity as the urban-architectural form flips its coded appearance from that of a minor enunciation (the duck) to that of an altogether different form (the rabbit). In the transitional period from minority to an overcoded dominant culture, the urban form exhibits both attributes depending on the reference point chosen through the course of the film. But, by the end of the film, Bartertown is clearly a *former* representation of minority expression created in the built environment, and now has submitted to the dominant cultural milieu at the hands of Auntie Entity's political desire for control.

TABLE 13. Conclusion of Bartertown as Minor Architecture

SUBJECT TEST	PASS	Notes
Clear Nuisance	■	Post Peak-Oil Apocalypse.
Collective Expression	■	Bartertown.
Singular Linguistic Form	■	Vehicular.
Urban-Architectural Form	■	An UAF has been built as Bartertown.
Rhizomatic	□	Arborist expression of newfound top-down authoritative takeover.
Deterritorialization of Major Language	■	Favela-esque classical urbanism.
Connect Individual to Politics	■	Choral expression of collective law.
Enunciation of Minority	□	Overcoding is primary task, not proclamation of marginalization.
MINOR DESIGN	□	Minor design has not been achieved with Bartertown
Tetravalent Condition of Assemblage	□	Reification of power-stasis in primary objective of Bartertown after assassination.
Decoding of Territory furthering Equity	□	Forced unity is valued over equity decoding in expression of Bartertown.
ENVIRONMENTAL JUSTICE	□	Environmental justice is no longer the primary concern of Bartertown's execution.
Resource Use Congruence	■	Use development has been employed to counter-modernize against nuisance of hypothetical Peak-Oil globalization.
Overall Nuisance Response	□	Supermajority threshold of Development in Reaction to Nuisance is not satisfied.
PHYSIO-LOGICAL VALIDATION	□	Nuisance of globalization has not been the overwhelming priority for reactive purpose of Bartertown.
NEWSPAPER VALIDATION	□	Majority of news regarding Bartertown does not correlatively link architecture to primary issue of political significance.
Minor Expression of Built Environment:		FAIL

(SYMBOLIC) PASS. Peak oil theory, although as of yet not tested on a global scale, has been evidenced on a regional level and proves to incur a multitude of relative impacts similar to those expressed in the MAD MAX trilogy. Referencing **FIGURE 24**, three major peak oil events are noted as they were evaluated by Jorg Friedrichs in his article regarding real-world scenarios of peak oil scarcity in different geographic regions.⁴²⁹ His three cases include pre- and mid-World

⁴²⁹ Friedrichs, *supra* note 399.

War II Japan, post-Cold War Cuba and post-Cold War North Korea. Each region undertook a different approach in locally acute declines in petroleum-based fuel resources. Friedrichs characterizes Japan's reaction as 'predatory militarism,' North Korea's as 'totalitarian retrenchment,' and Cuba's as 'socioeconomic adaptation.'⁴³⁰

Beginning with Japan's 'predatory militarism,' Friedrichs explains how after learning from World War I "that a country cut off from raw materials was bound to lose in a military contest," Japan's heavy reliance on non-indigenous energy resources pushed a southward imperial advance on oil rich countries.⁴³¹ Once the United States impressed a trade embargo on Japan just prior to the Second World War, this action heightened fuel scarcity and further radicalized Japan. As the United States was acting in a prudent manner so as to deter Japan's warring plight, the embargo only encouraged the nation's bias to accept extra-border militarism as the only method to secure oil-based energy resources.⁴³² These events created a myopic vision of international violence as the single remedy to the circumstances of extreme fuel scarcity. In other words, Japan became the marauding (national) gang, taking from other producing resource-rich nations as its will and military capability allowed.

In terms of North Korea's 'totalitarian retrenchment,' Friedrichs outlines the extreme dependence North Korea had developed on gasoline-based farm equipment in its cold climate.⁴³³ Prior to the fall of the Cold War, North Korea had enjoyed generous petroleum subsidies from the Soviet Union all the while adopting their highly mechanized methods for agricultural production.⁴³⁴ Once gasoline was no longer available, the nation's food supply collapsed and led to what is called the "Great Famine."⁴³⁵ Fuel shortages had a direct relationship with food shortages, crippling the entire North Korean infrastructure.⁴³⁶ Unlike Japan who unified as a nation and plundered foreign lands for the necessary resources, North Korea's leadership actually tightened its grip on its own population and divided what little remaining resources left among the citizenry based on relative loyalty (See **FIGURE 39**).

While there is still today a protracted food crisis, this systemic scarcity has been incredibly successful in terms of maintaining the power of the North Korean regime.⁴³⁷ Here, instead of looking outward for scarce resources, leadership in North Korea politically employed acute

⁴³⁰ *Id.*

⁴³¹ *Id.* at 4563.

⁴³² *Id.* at 4564.

⁴³³ *Id.*

⁴³⁴ *Id.*

⁴³⁵ *Id.*

⁴³⁶ *Id.*

⁴³⁷ *Id.*

scarcity to solidify the elite's paradigm of dominance and order.⁴³⁸ In a dramatic fashion, leadership of Bartertown exhibited for the cinematic voyeur how in the real world this paradigmatic system emerges without forcing viewers to live through the hardship of resource scarcity, extreme poverty and gang violence.

Finally, according to Friedrichs, Cuba serves as a beacon for hope in the nation's expression of 'socioeconomic adaptation' after the island suffered a precipitous decline in petroleum-based fuel and chemical fertilizers.⁴³⁹ Along with the North Korea, Cuba lost its oil and chemical subsidies from the Soviet Union at the end of the Cold War.⁴⁴⁰ These political changes also proved dramatic for the Cuban nation, requiring Fidel Castro to institute a state of emergency called the "Special Period in Time of Peace."⁴⁴¹ In contrast to North Korea's continuing widespread famine, Cuba was able to reorient its agricultural and transportation policy quickly so as to minimize the impacts of the fuel resource scarcity.⁴⁴² The small island nation undertook immediate yet cautious reforms including legalizing informal sectors of business and opening the country to foreign tourism.⁴⁴³ National leaders created policies that encouraged various forms of inventive responses to the broken industrial process of food production. This socially adaptive push on a national scale thereby allowed Cubans per neighborhood to cope with the crisis by using the benign climate, tourism monies and remittances to their advantage.⁴⁴⁴



FIGURE 39. North Korea's Great Famine. Image courtesy of Leonid A. Petrov.

⁴³⁸ *Id.*

⁴³⁹ *Id.* at 4566.

⁴⁴⁰ *Id.* at 4564.

⁴⁴¹ Scott G. Chaplowe, *Havana's Popular Gardens: Sustainable Urban Agriculture*, 5 WORLD SUSTAINABLE AGRICULTURE ASSOCIATION 22, (Fall 1996).

⁴⁴² Friedrichs, *supra* note 399, at 4565.

⁴⁴³ *Id.*

⁴⁴⁴ *Id.* at 4565 - 4566.

Building upon the local solidarity and cohesion of Cuba's society at the community level as the *barrio*, intra-community and inter-community relationships were cultivated to make ends meet with ingenuity and communal inter-reliance. Critical to the success of Cuba pulling itself out of famine in this Special Period was the intense development of urban agriculture, characterized as a local self-help movement.⁴⁴⁵ This urban agricultural movement was crystallized by local horticultural clubs that involved whole families with their barrio neighbors to mutually collaborate and provide for themselves on a community scale of subsistence.⁴⁴⁶ This fruitful social experiment was a product of dire circumstances, but nonetheless has acted as an international model for reacting to severe resource scarcity with an enhanced community ethos of solidarity and self-help.⁴⁴⁷ These clubs still exist today as part of the Cuban economy and social structure, although their necessity has waned as the national economic outlook has improved since the Special Period (See **FIGURE 40**).⁴⁴⁸



FIGURE 40. A Horticulture Club in urban Cuba developed after the *Special Period*. Image courtesy of Spatial Agency.

⁴⁴⁵ Dorian Moore, *Spatial Agency: Urban Farming* (Apr. 28, 2011) <<http://www.spatialagency.net/database/where/physical%20relations/urban.farming>>.

⁴⁴⁶ Friedrichs, *supra* note 399, at 4565.

⁴⁴⁷ *Id.*

⁴⁴⁸ *Id.*

Concluding his article, Friedrichs reiterates what most have heard time and again regarding societal dependence on petroleum: “the greatest hope for the mitigation of peak oil is a combination of conservation, energy efficiency, and renewable energy.”⁴⁴⁹ With current technology, MAD MAX BEYOND THUNDERDOME evidences the schematic workings of a renewable energy-based community that could be a reality with a willing collective of off-grid participants. Bartertown, although a failure in terms of maintaining a (cinematic) minor architecture for the non-violent resource traders of the Wasteland, allows a vehicle for examining the minority plot in the face of a global Peak Oil scenario. Such fictional vehicles are of even greater importance as global society eclipsed the Peak Oil threshold in 2007.⁴⁵⁰ As a hopeful reminder in each episode of the MAD MAX trilogy, the filmmakers allow their rhizomatic bands of producers to escape the Wasteland’s gangs for a new exiled frontier. In terms of Deleuzian philosophy, these cinematic writers have encouraged a line a flight for both their minor characters and the audience, mapping a path of movement into an unknown linguistic zone by which a new language of proclamation can be possible.⁴⁵¹

⁴⁴⁹ *Id.* at 4569.

⁴⁵⁰ See Moriarty & Honnery, *supra* note 411, at 2470.

⁴⁵¹ DELEUZE & GUATTARI’S KAFKA, *supra* note 29, at 27.

D.2. TIBETAN GOVERNMENT-IN-EXILE

Case Abstract: After the People's Republic of China successfully seized control of Tibet in 1959, the XIVth Dalai Lama established an exile government and rehabilitation organization in neighboring India. In April of 1960, after realizing more permanent exile accommodations would be necessary to support those Tibetans who continued to resist China's role in Tibet, the Dalai Lama established an administrative headquarters in the McLeod Ganj neighborhood of Dharamsala, Himachal Pradesh, India on a blighted hillside set aside by the Government of India. Within years, the Dalai Lama's operations took on official Tibetan resettlement duties for the Government of India from a new district Gangchen Kyishong, a village locals call "Little Lhasa." According to the Government of India, this district is the primary ministerial organ of the Central Tibetan Secretariat, but according to the international community as well as the constant flow of exiled Tibetans, this small vehicular expression of "Buddhist Modernism" is the Tibetan Government-in-Exile.

The Tibetan Government-in-Exile enjoys many advantages in terms of minor productive expression over all the other cases analyzed in this report. Little Lhasa enjoys the widespread unofficial support of a many developed nations and generous contributions from benefactors. Second, as the oldest case under review, the Gangchen Kyishong village has had over 50 years of established resistance expressed in the built environment. Finally, with constant internal review of the appropriate manner to move forward as a collective body, the Tibetan exile leadership has constantly maintained a rhizomatic procedure for advancing the Tibetan cause in spite of clear opportunities to impress an arborescent form of exile administration. Taking into consideration these advantages and the characteristic expression of the Gangchen Kyishong, the Tibetan Government-in-Exile is the only case of the six selected to pass all three research tests designed to persuasively assert that a minor architecture is possible. Based on the Deleuzean *Kafka* framework, the Gangchen Kyishong village has been realized as a minor proclamation of Tibetan Nationalism, a district whose expressive counter-modernizing nature has been validated based on the physio-logical evaluation matching development with the Tibetan nuisance "complaint." Further, this case regarding the Tibetan Government-in-Exile is the *only* case which passed the majority correlation threshold after the newsprint survey, effectively coupling the primary Tibetan nuisance "complaint" with the built environment in Dharamsala. Ultimately, the central headquarters district developed and maintained by the Tibetan Government-in-Exile is extremely persuasive in proving that a minor architecture is possible and functioning in resistance to contemporary methods of global modernization.

Preface of Potential Bias: Any bias I engender in regards to study of the Tibetan Government-In-Exile case is primarily generational. Beginning high school in 1990 as hip-hop, grunge and the fall of the Berlin Wall, there was a popular international awareness of the Tibetan cause. This generational awareness was introduced and at least partially informed by the Beastie Boys' 1994 album, *Ill Communication* (See **FIGURE 41**).⁴⁵² Not alone in championing the Tibetan position, a multitude of films and albums that feature Tibetan politics has since flooded American popular culture. Martin Scorsese, Brad Pitt, Richard Gere, and Goldie Hawn are just a few of the celebrities that are regularly associated with the Tibetan cause, seemingly in full support of their plight for collective justice.⁴⁵³ In fact, the Tibetan Monks of Dharamsala have even been recognized by Hollywood tastemakers, winning a Grammy in the "Best Traditional World Music" category in 2004.⁴⁵⁴

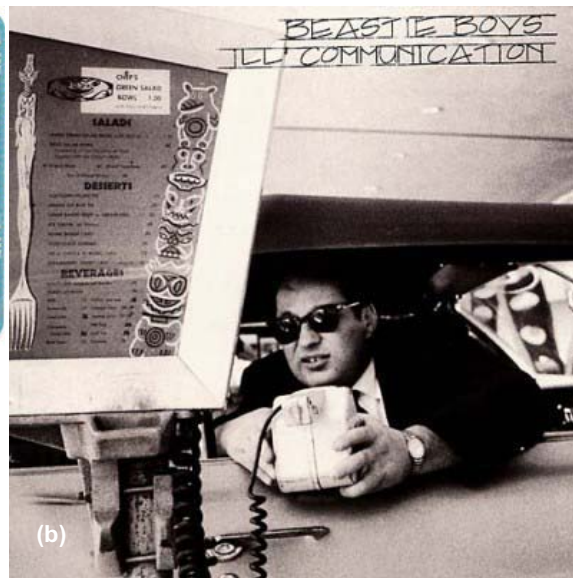
In evidence of the researcher's pre-study bias, before the site survey, our entire research team was under the assumption all Tibetans were universally vegetarian. This belief was largely based on Brad Pitt's portrayal of Heinrich Harrer in the film *Seven Years in Tibet*. Upon arrival in the Dharamsalan village of McLeod Ganj, it was discovered that most of the strictly-vegetarian cuisine served by local eateries had been introduced to Tibetan menus largely for the benefit of the local Indian population and tourists. At the same time slightly shocking and illuminating, this was just one of many assumptions were either validated or debunked with our research trip.

So as to begin appropriately in this research and analysis, an awareness of the generational, Western-informed "Free Tibet" bias is acknowledged. This bias is quite common for any graduate student holding an International Travel Identification Card (See **FIGURE 41**), as the Tibetan cause is known and championed by most pro-peace Westerners at social events and concert gatherings of like-minded individuals. In spite of this initial bias in terms of Tibetan values, after extensive investigation, fact checking and personal saturation in the Sino-Tibetan materials, this report attempts to recognize, temper and avoid indulging in inaccuracies potentially stemming from earlier preconceptions. Immediately following are **FIGURES 41** through **83**, figures which graphically detail the conditions of the Tibetan Government-in-Exile case study.

⁴⁵² STEPHANIE ROEMER, *THE TIBETAN GOVERNMENT-IN-EXILE: POLITICS AT LARGE*, 150 (2008). Dr. Roemer discusses the XIVth Dalai Lama's "Hollywood phenomenon" after actors and rock stars "like Annie Lennox, Bjork and the Beastie Boys became important for the exile Tibetan struggle...So the selling of a particular image of Tibet helps motivate support from the international community..."

⁴⁵³ *Id.*

⁴⁵⁴ Jhalak Bhavsar, *Chanting a Grammy*, *THE TIMES OF INDIA* (Aug. 18, 2004).



(CLOCKWISE) (a) (TOP) Author's Intl. Student Identity Card. (b) (TOP RIGHT) Cover of Beastie Boy's *Ill Communication*. Image courtesy of Capitol/Grand Royal Records (1994) (c) (BELOW RIGHT) Kalon Tripa-Elect Dr. Lobsang Sangay, here holding his Tibetan "Green Book." Image courtesy of the Central Tibetan Administration (2011) (d) (BOTTOM) Tibetan Parliament-in-Exile in Dharamsala, India. (e) (BELOW) Robert Venturi's recommended monument design. Image courtesy of the MIT Press (1977).

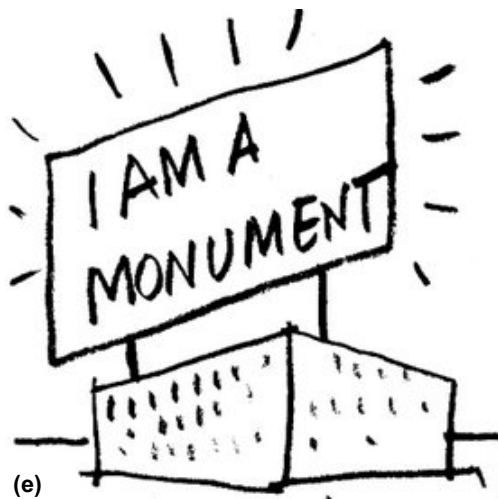


FIGURE 41. Images Supporting Case Background: TGIE



FIGURE 42. Images Supporting Narrative: TGIE (i)



FIGURE 43. Tibetan Government-in-Exile (i)



FIGURE 44. Tibetan Government-in-Exile (ii)

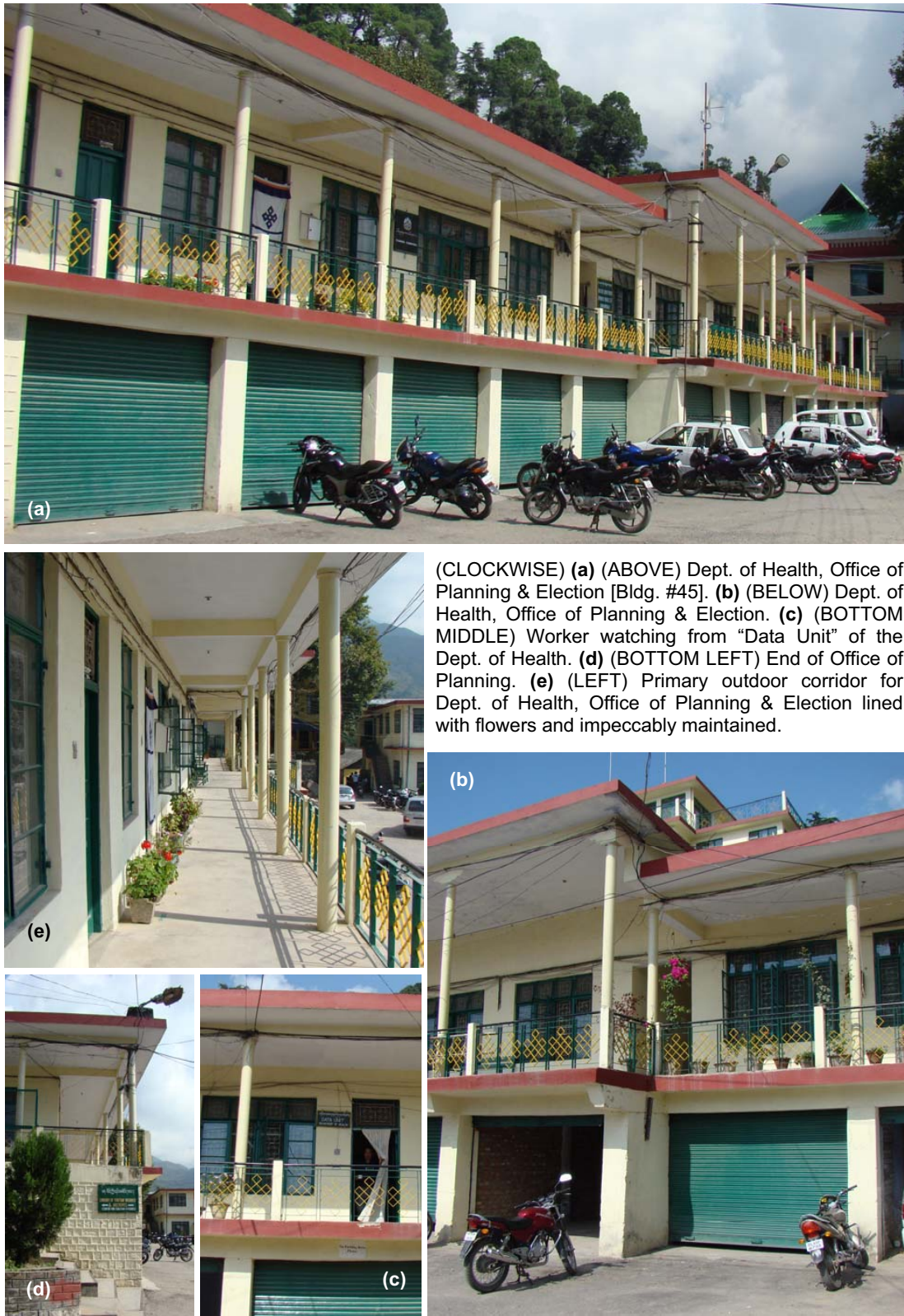


FIGURE 45. Tibetan Government-in-Exile (iii)

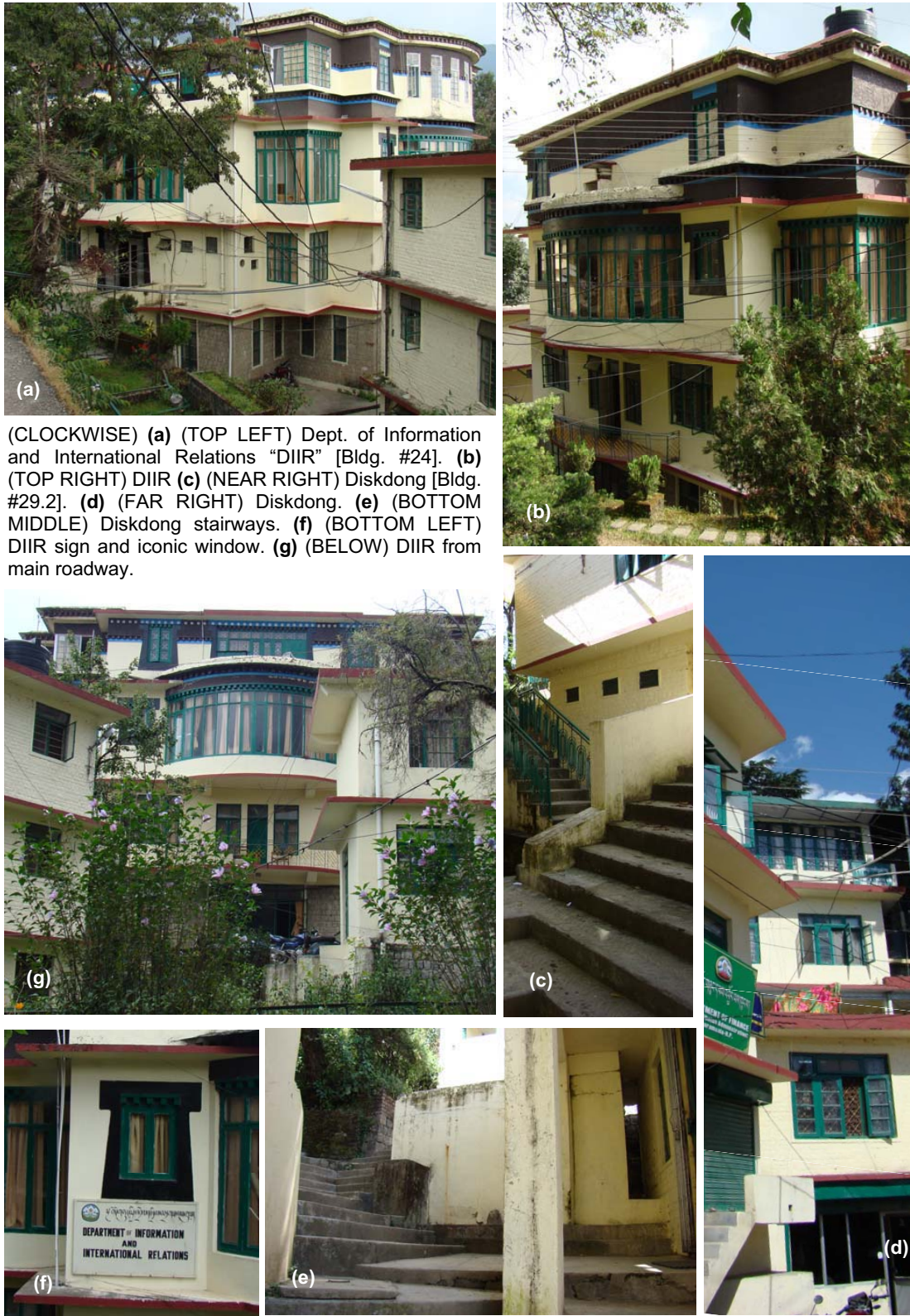


FIGURE 46. Tibetan Government-in-Exile (iv)



(CLOCKWISE) (a) (TOP LEFT) Chorten [Bldg. #0]. (b) (TOP RIGHT) Chorten. (c) (RIGHT) Library of Tibetan Works & Archives "Tibetan Library" [Bldg. #46]. (d) (BOTTOM RIGHT) Tibetan Library. (e) (BOTTOM LEFT) Tibetan Library. (f) (BELOW) Window of Tibetan Library.

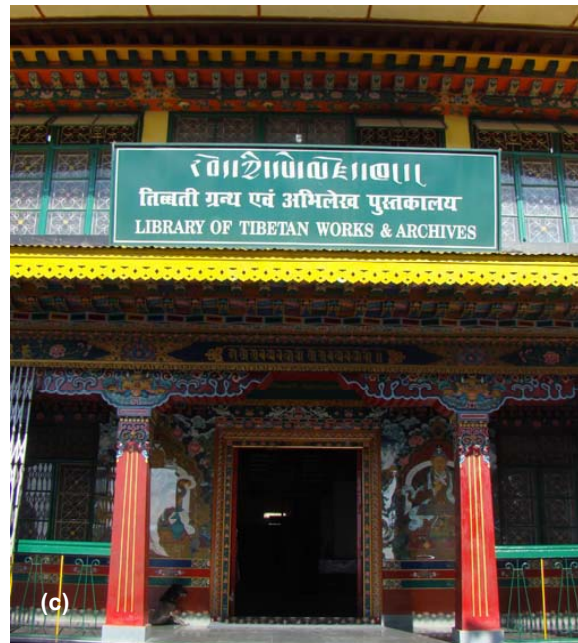


FIGURE 47. Tibetan Government-in-Exile (v)



FIGURE 48. Tibetan Government-in-Exile (vi)

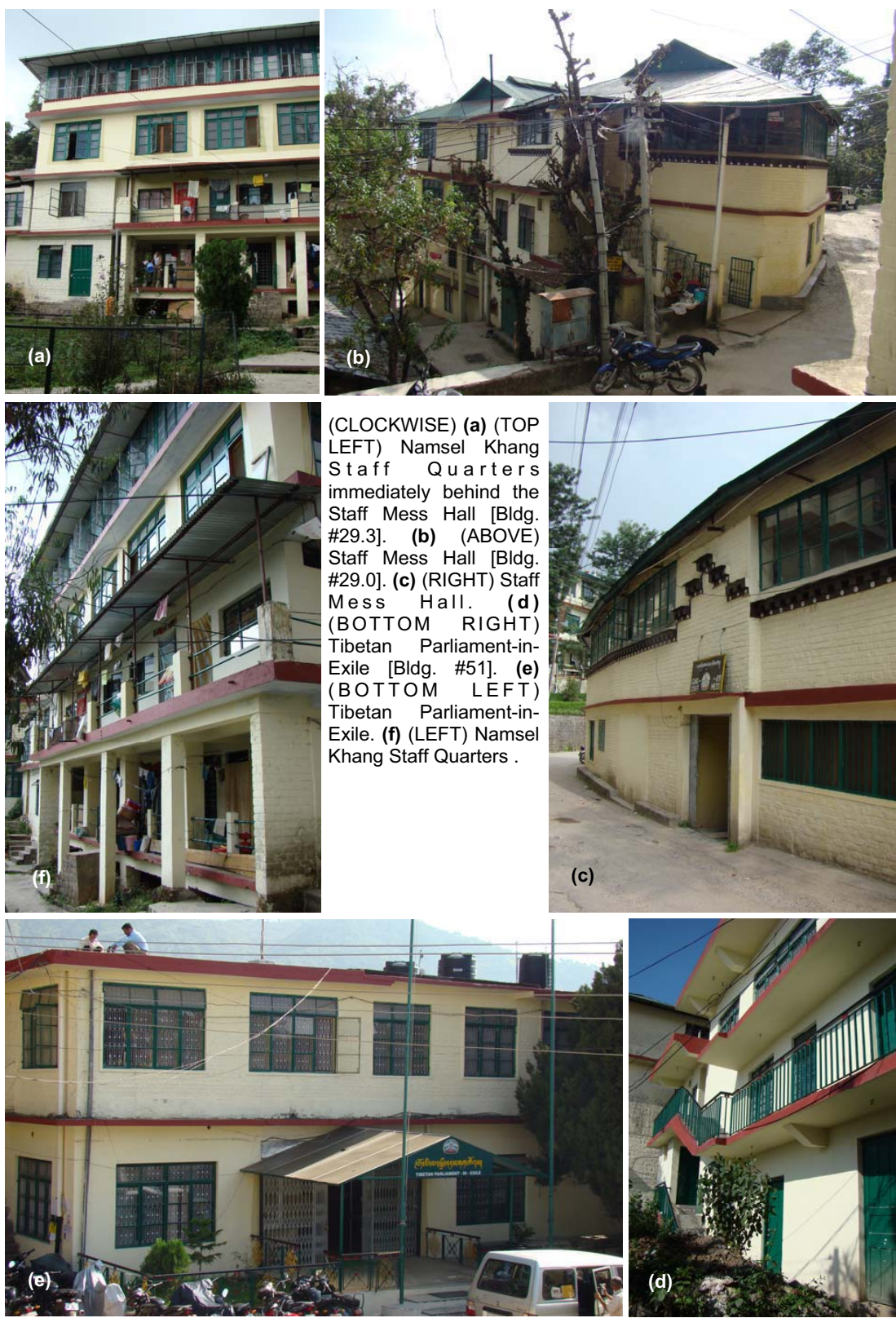
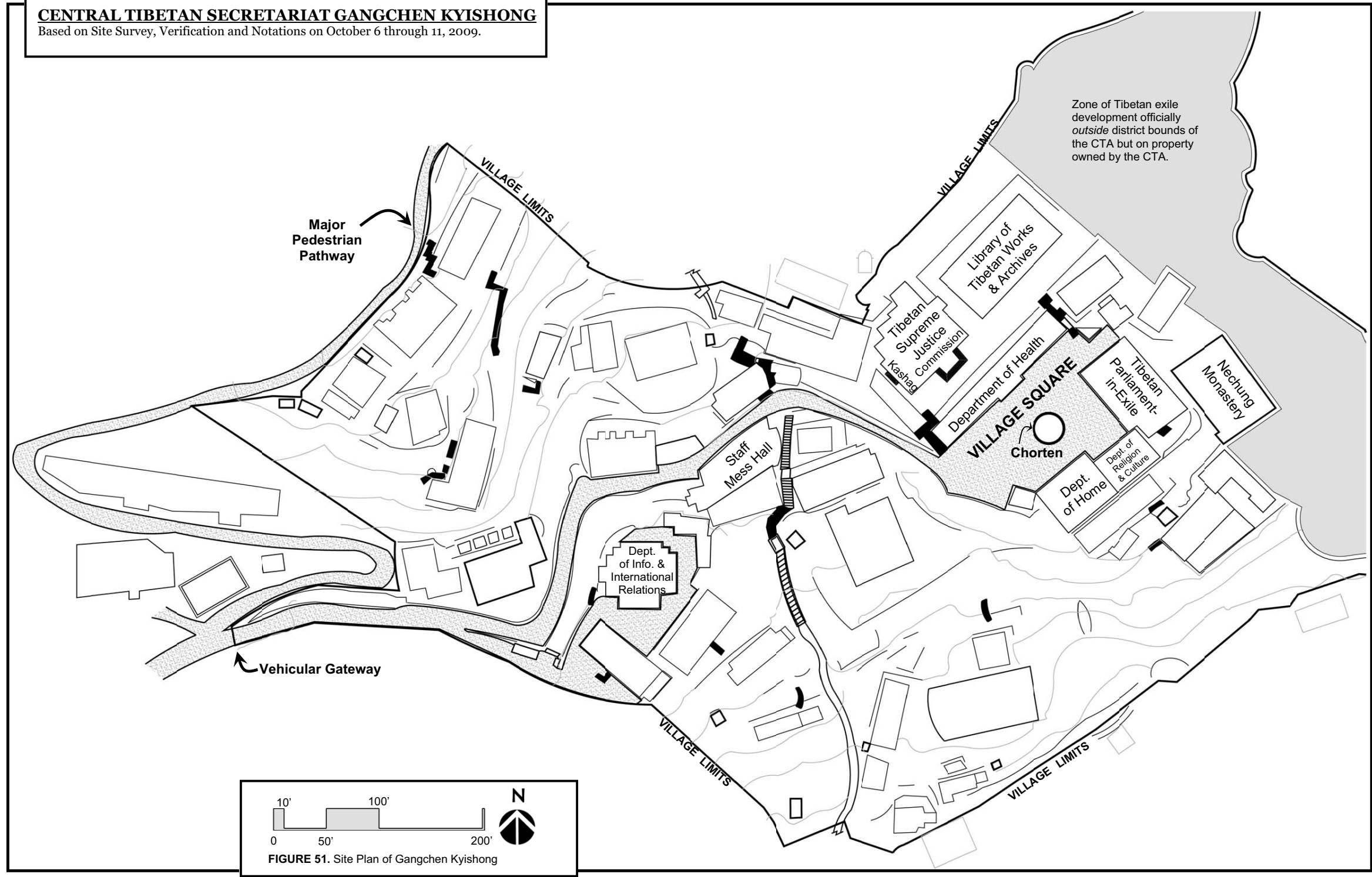


FIGURE 49. Tibetan Government-in-Exile (vii)



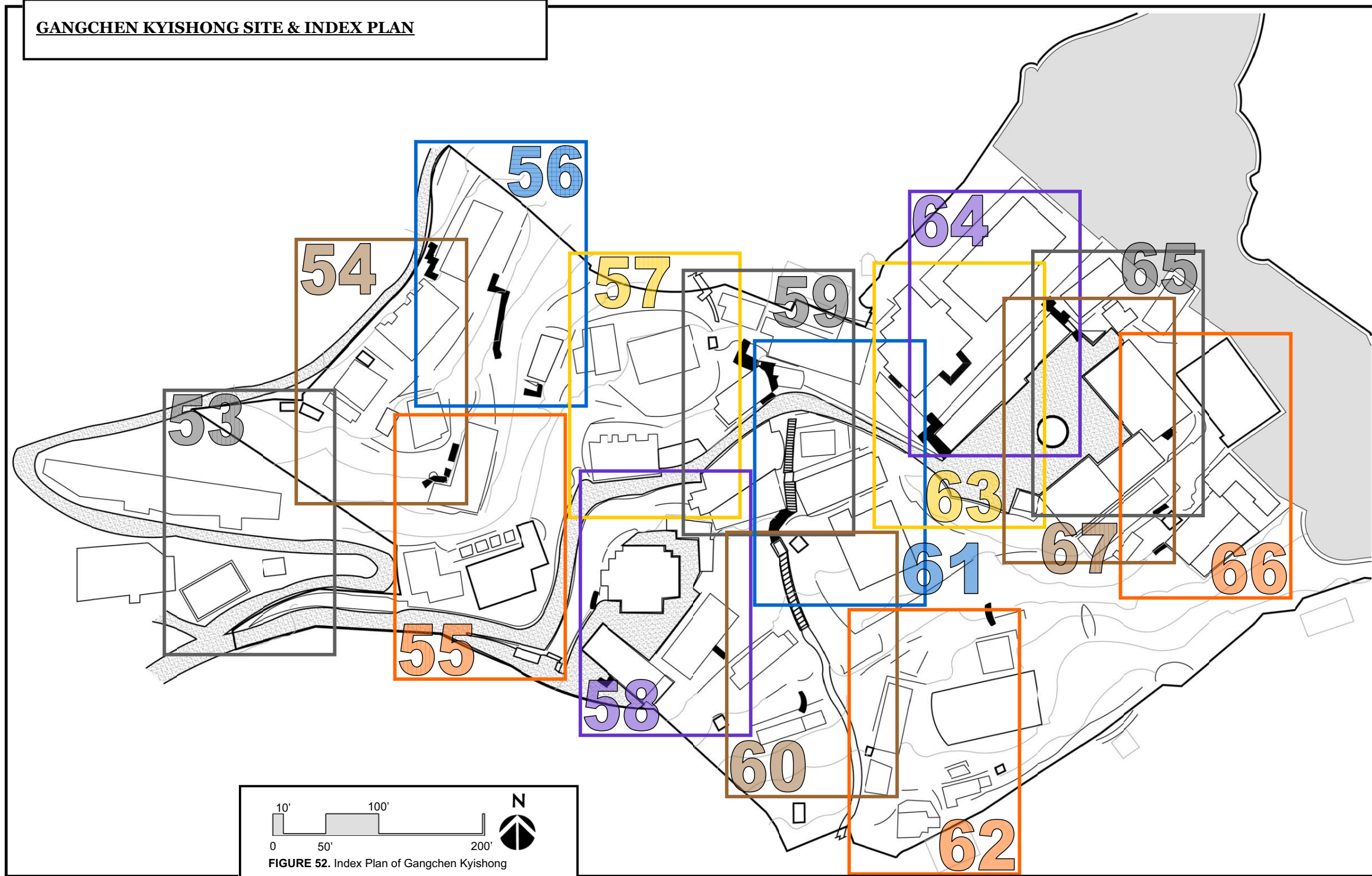
FIGURE 50. Tibetan Government-in-Exile (viii)

CENTRAL TIBETAN SECRETARIAT GANGCHEN KYISHONG
 Based on Site Survey, Verification and Notations on October 6 through 11, 2009.



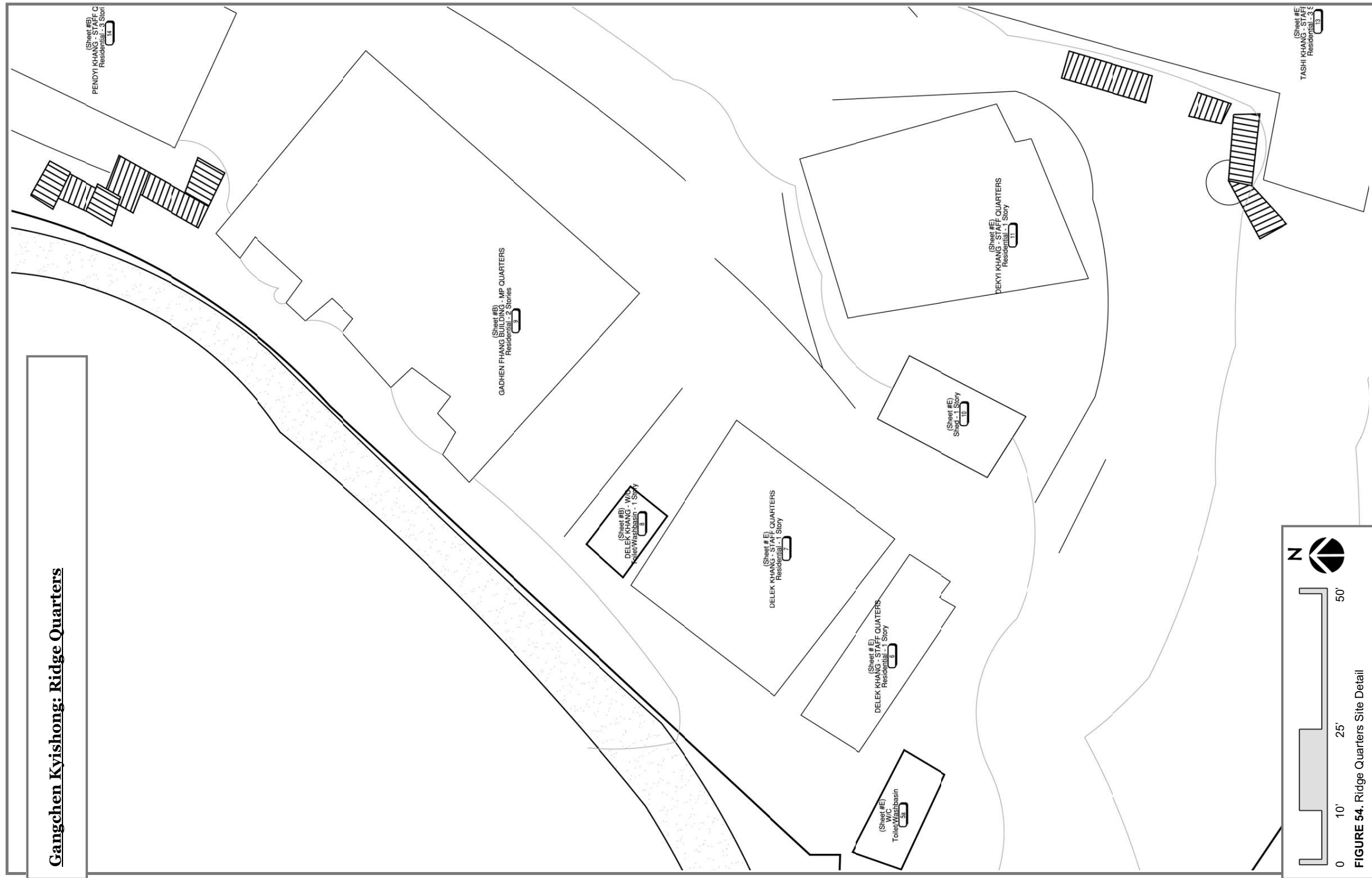
10' 100' 0 50' 200' N
FIGURE 51. Site Plan of Gangchen Kyishong

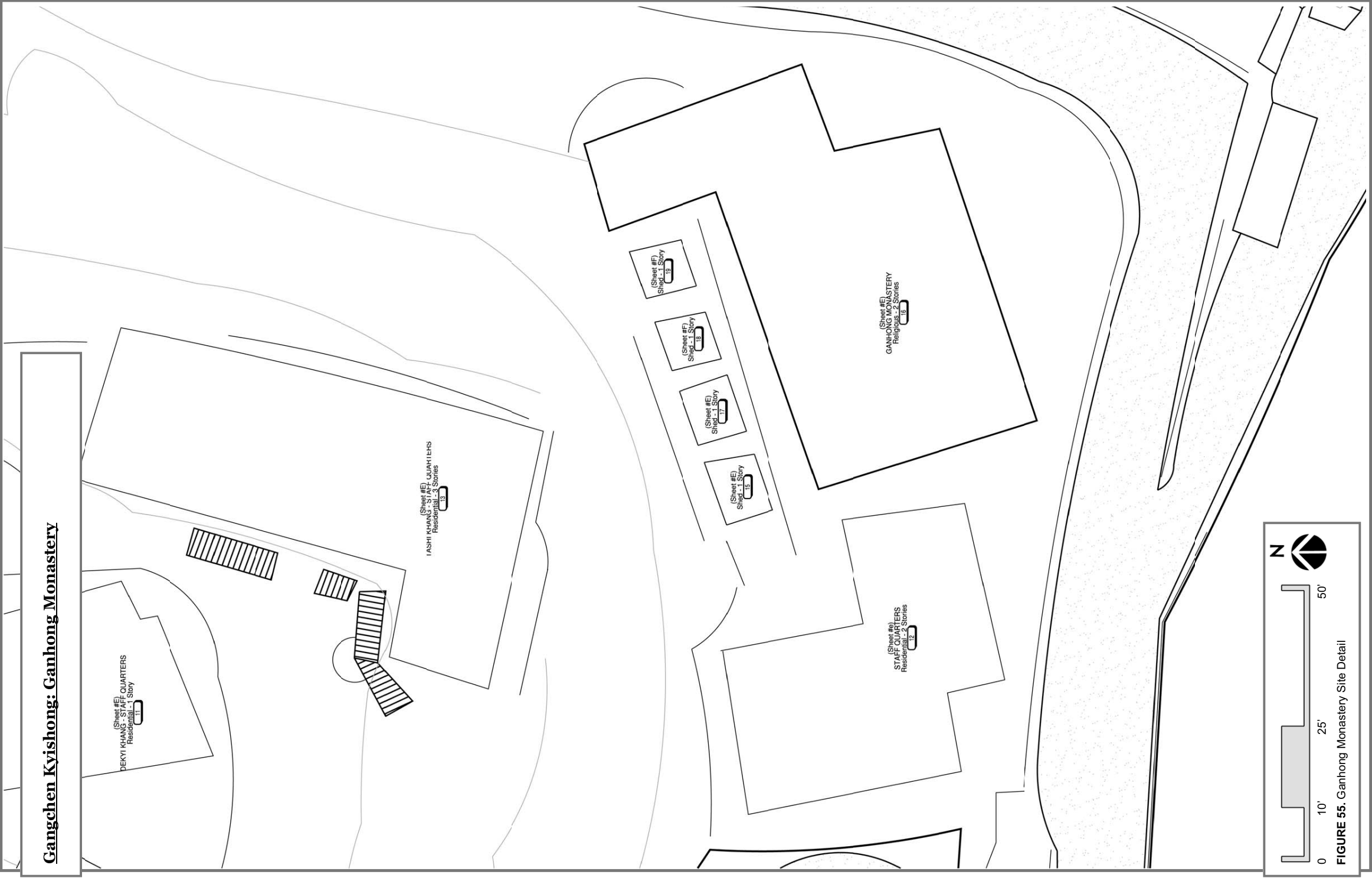
GANGCHEN KYISHONG SITE & INDEX PLAN

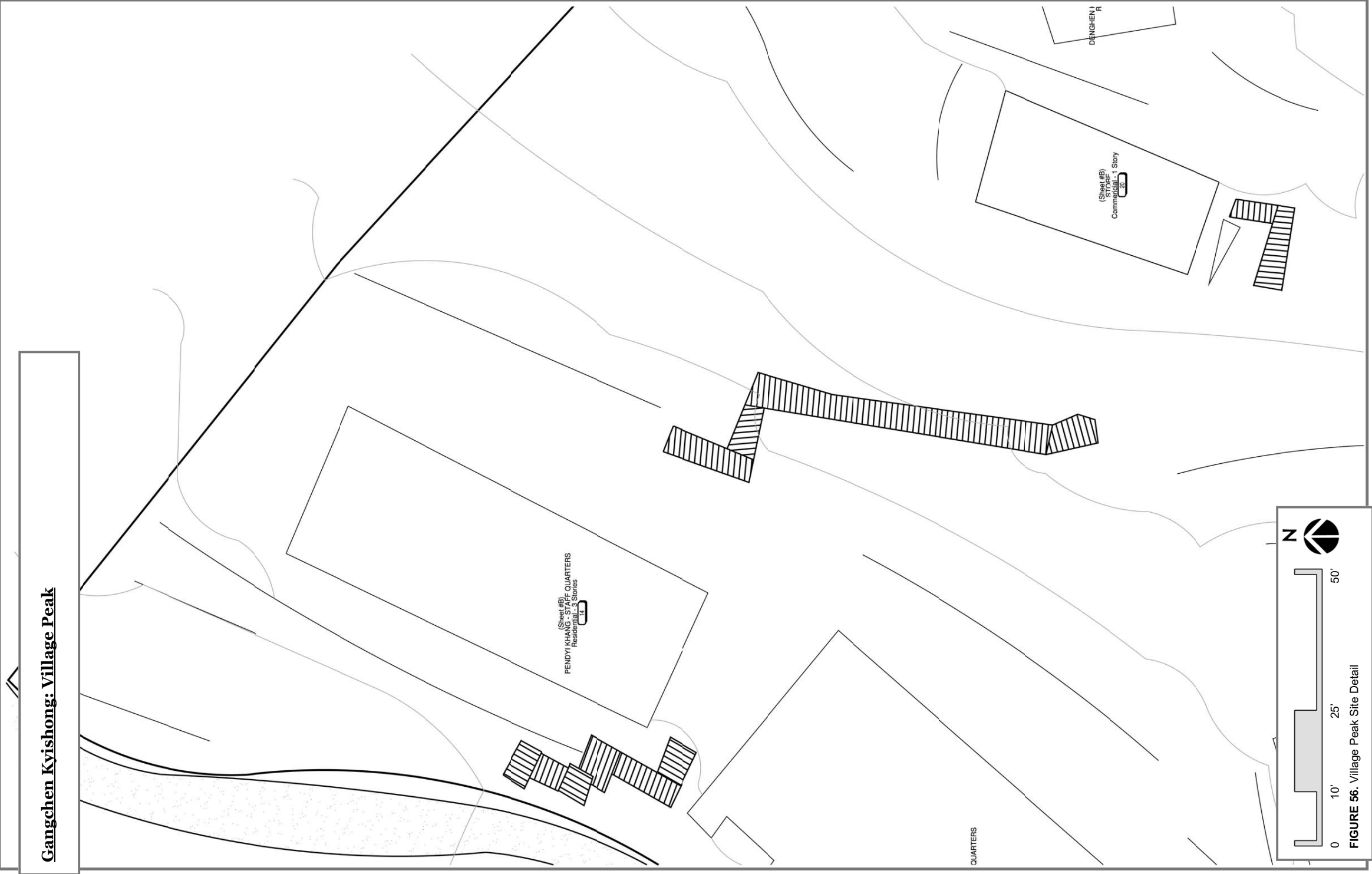




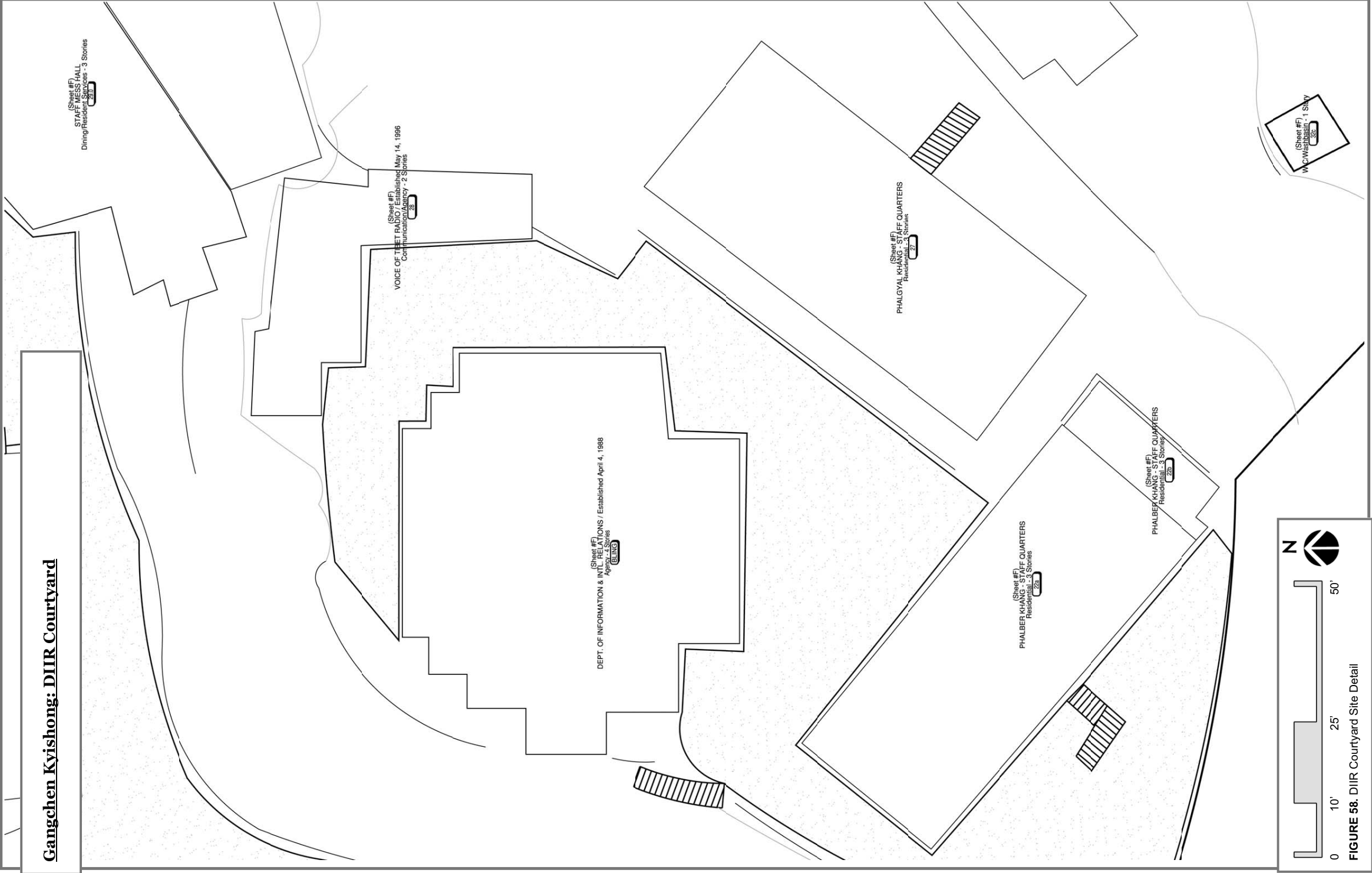
Gangchen Kyishong: Ridge Quarters











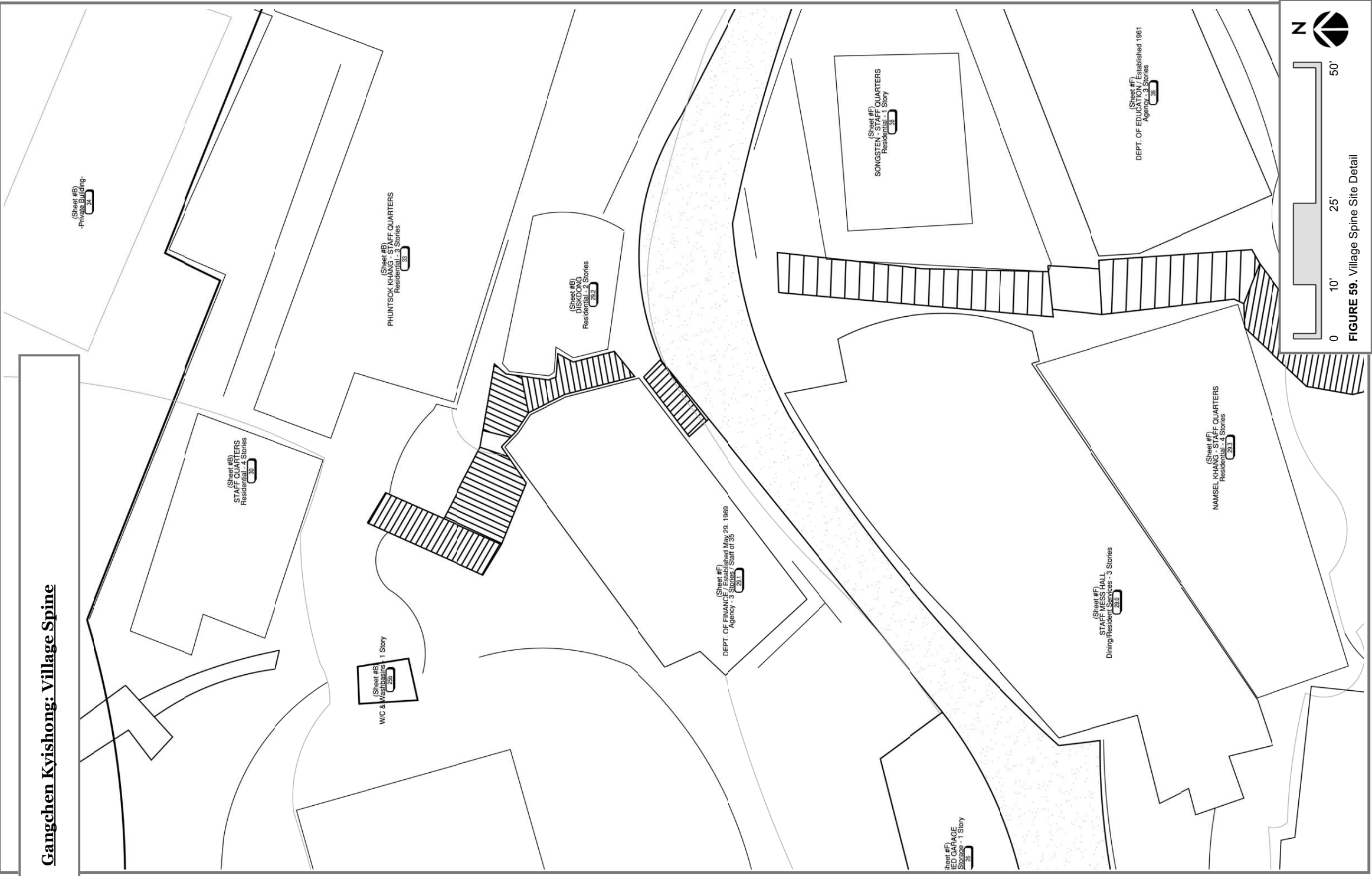
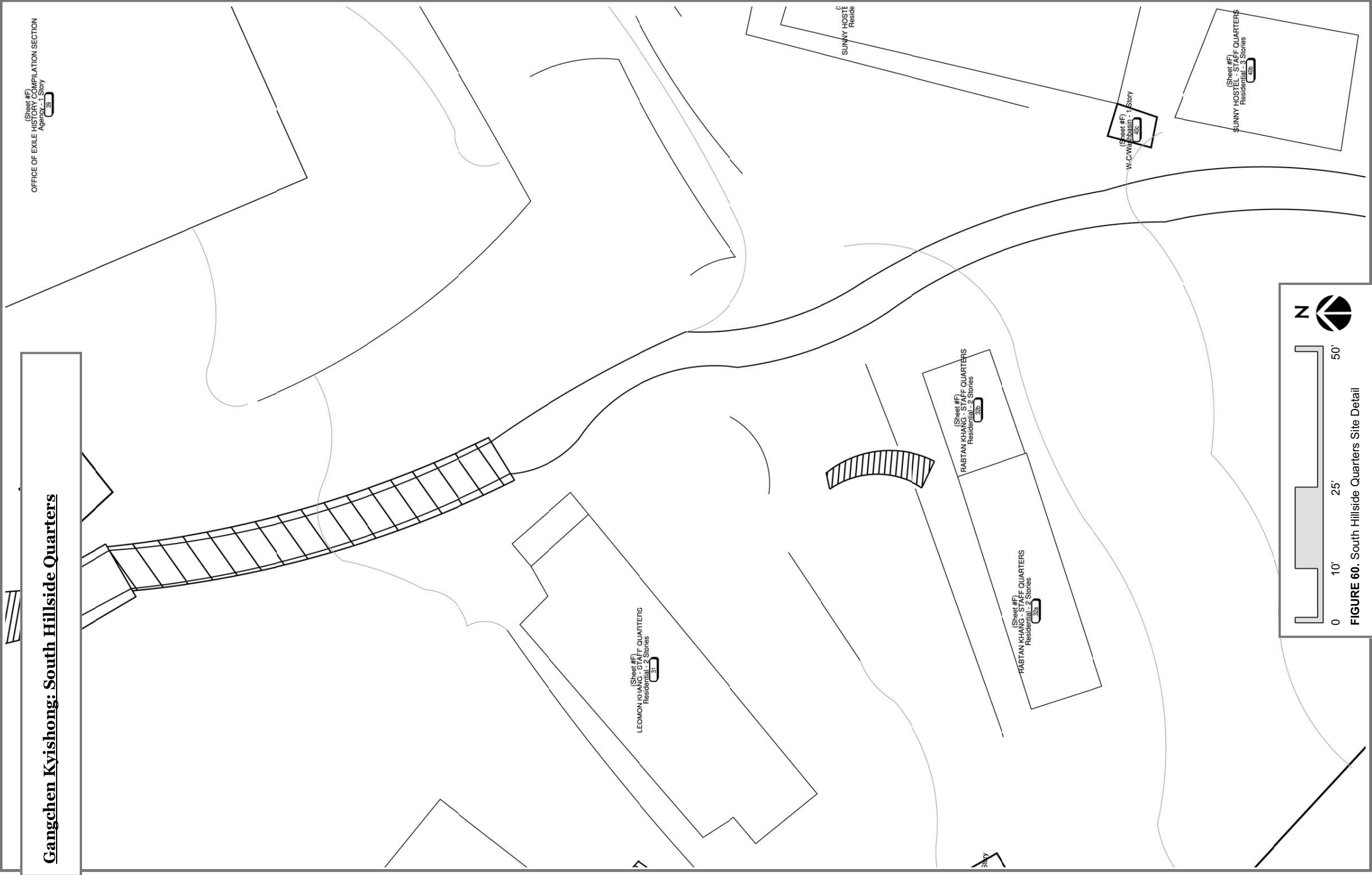
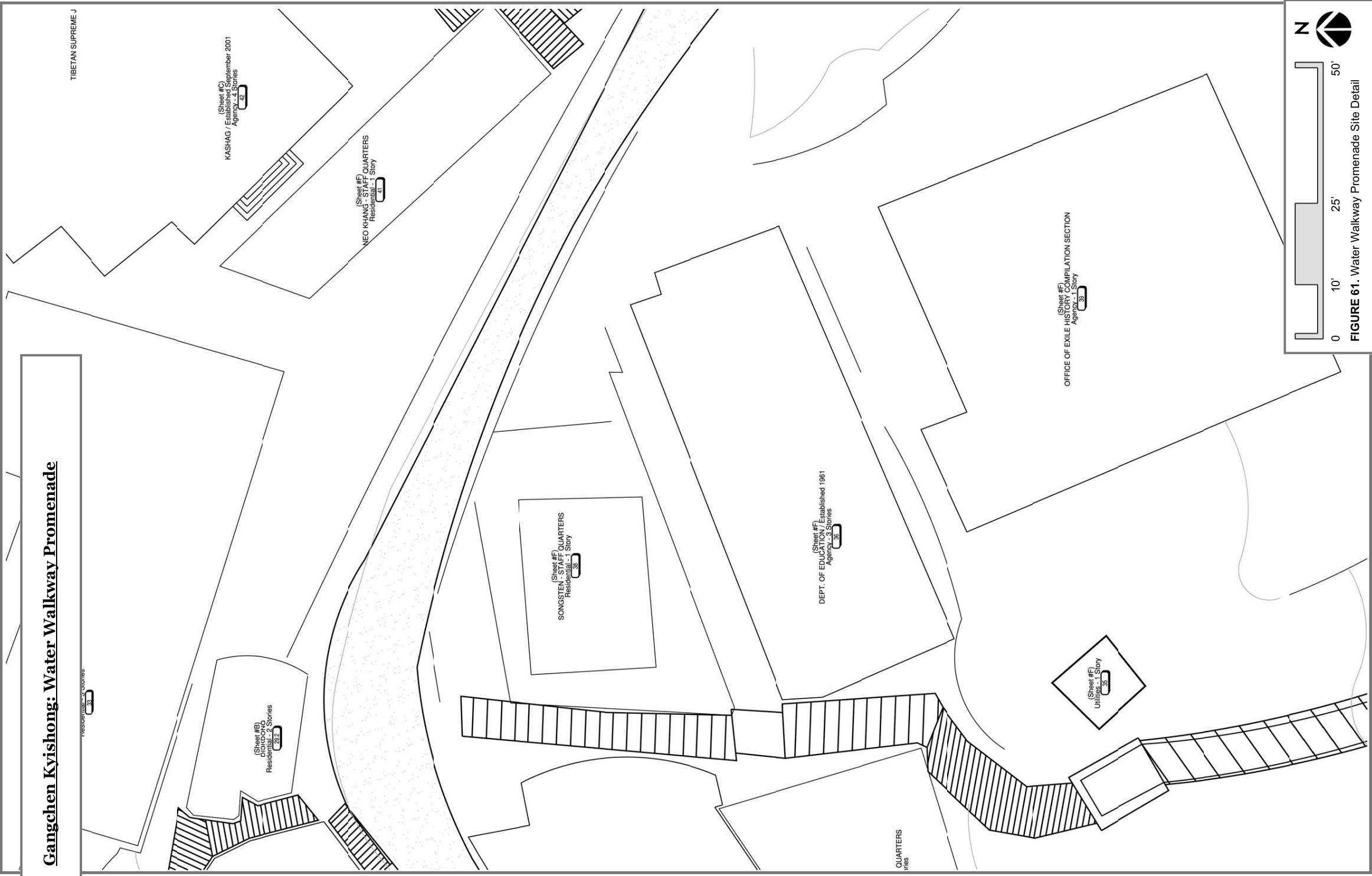


FIGURE 59. Village Spine Site Detail





Gangchen Kyishong: South Residential District

SONAM KHANG - STAFF QUARTERS
Residential - 2 Stories
(Sheet #F)

BASKETBALL COURT
Residential - 2 Stories
(Sheet #F)

SUNNY HOSTEL - STAFF QUARTERS
Residential - 3 Stories
(Sheet #F)

W-DWELLING - 1 Story
(Sheet #F)

SUNNY HOUSE - QUARTERS
Residential - 3 Stories
(Sheet #F)

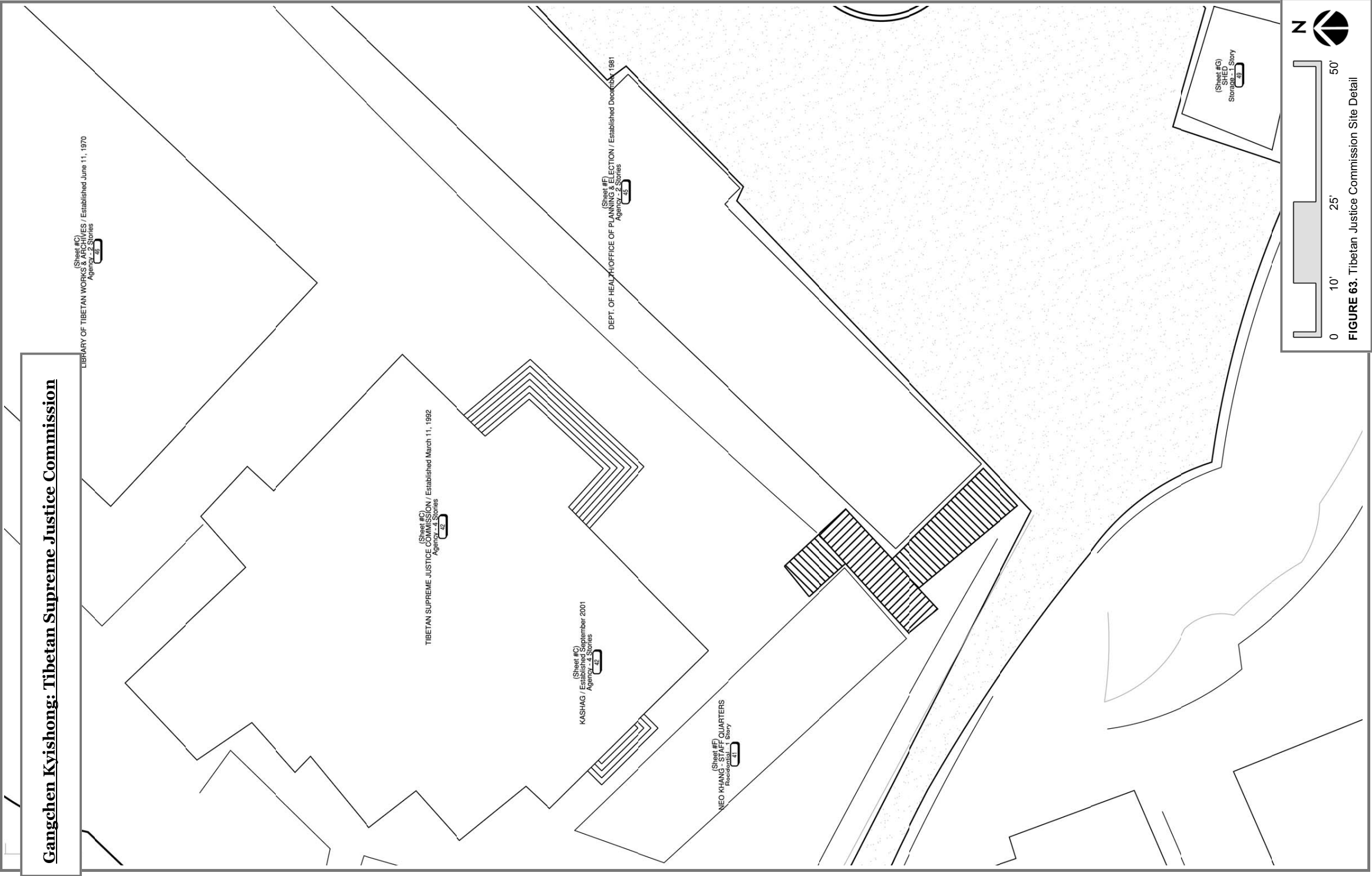
PRIVATE HOUSE
Residential - On Lease - 1 Story
(Sheet #H)

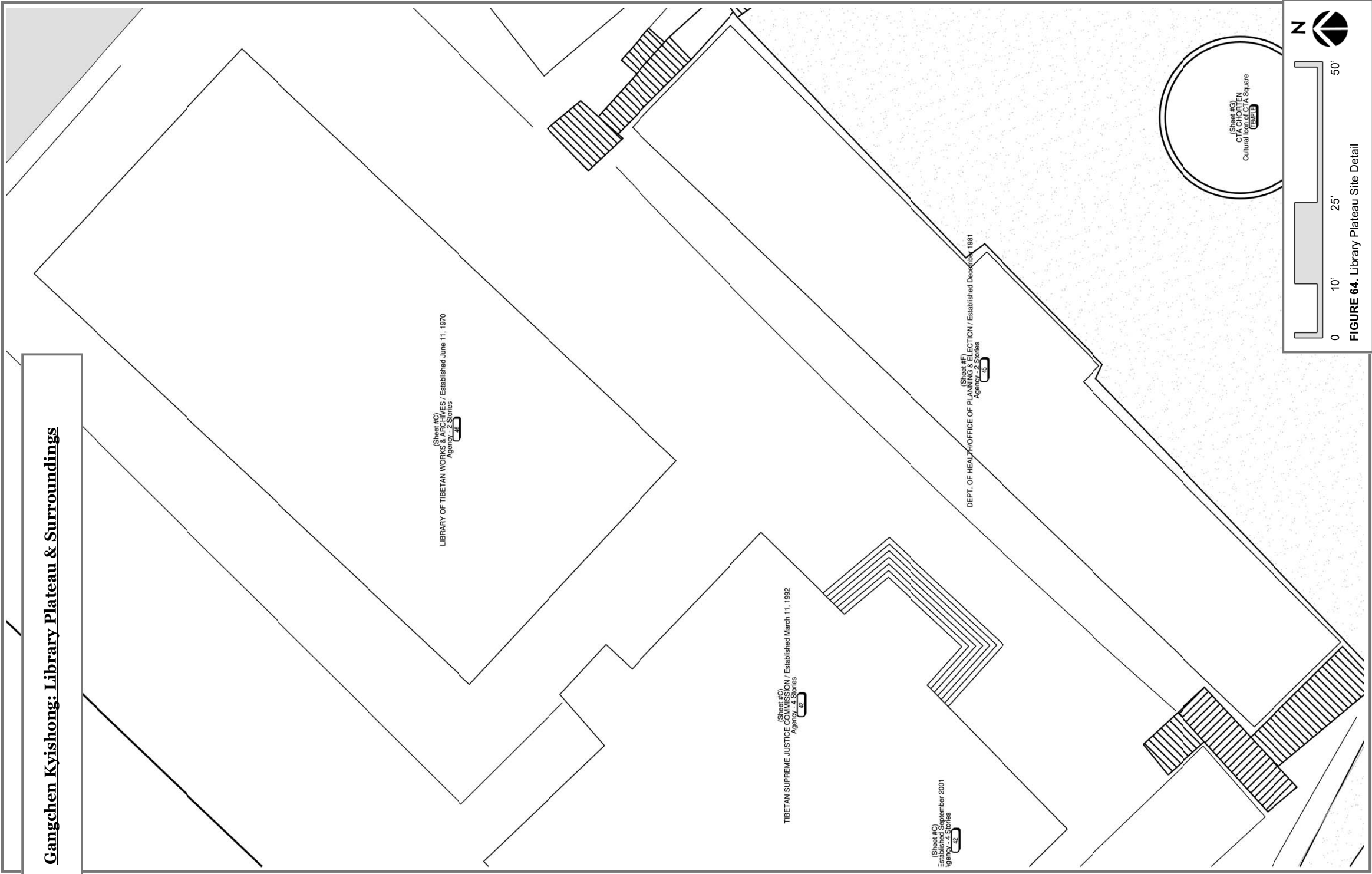
PRIVATE HOUSE
Residential - On Lease - 1 Story
(Sheet #H)

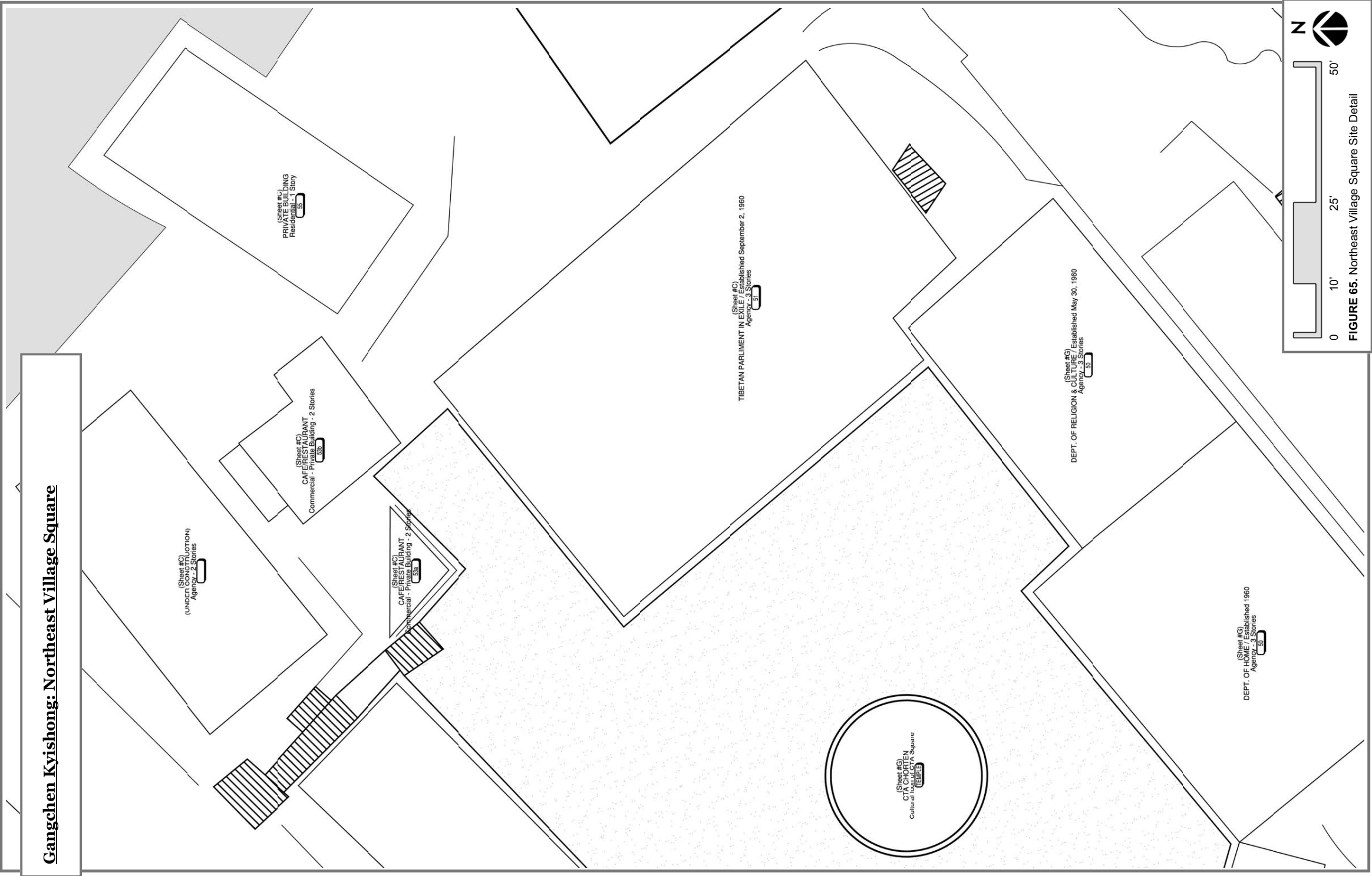
PRIVATE BUILDING
(Sheet #H)

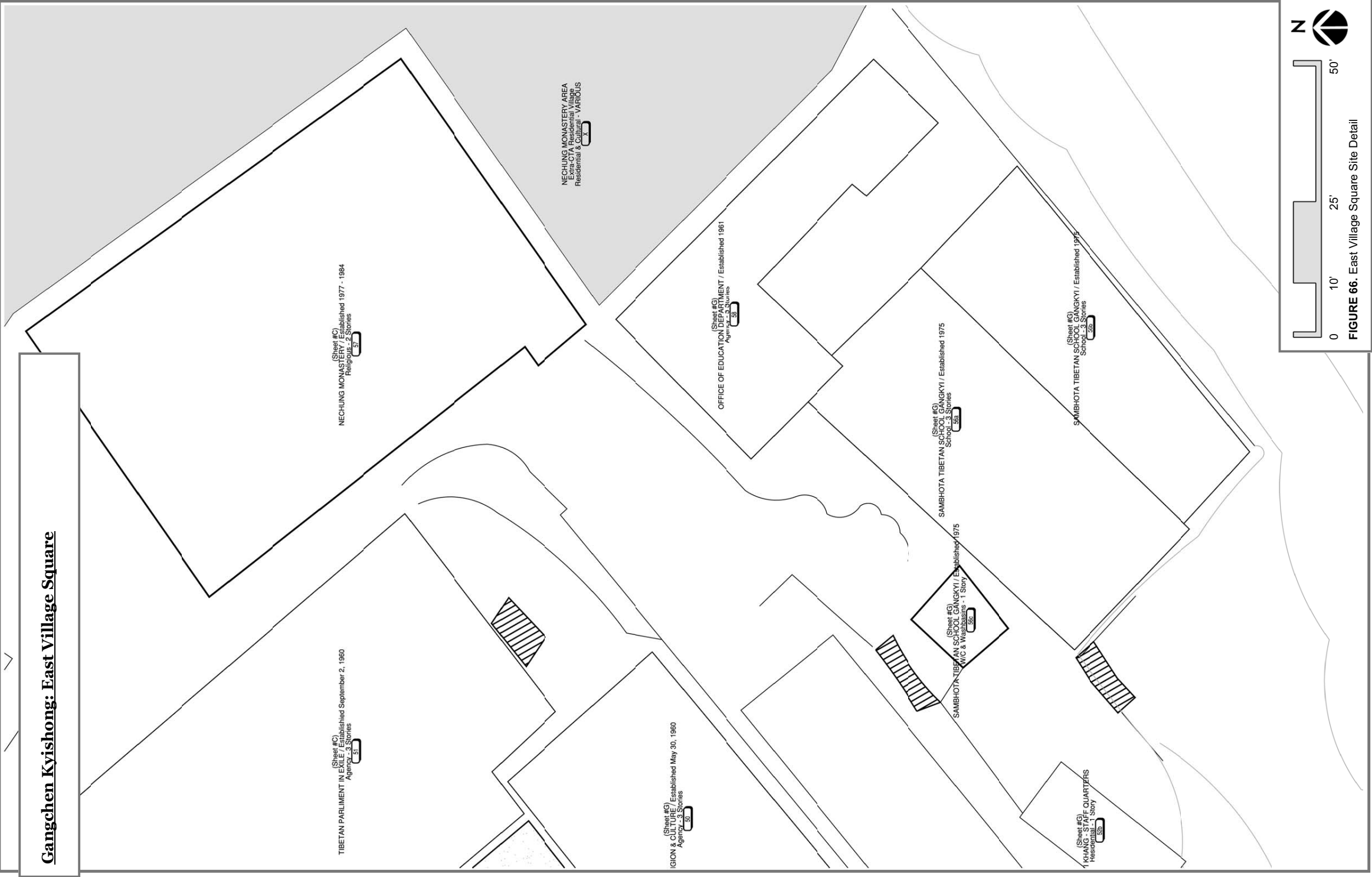
0 10' 25' 50'

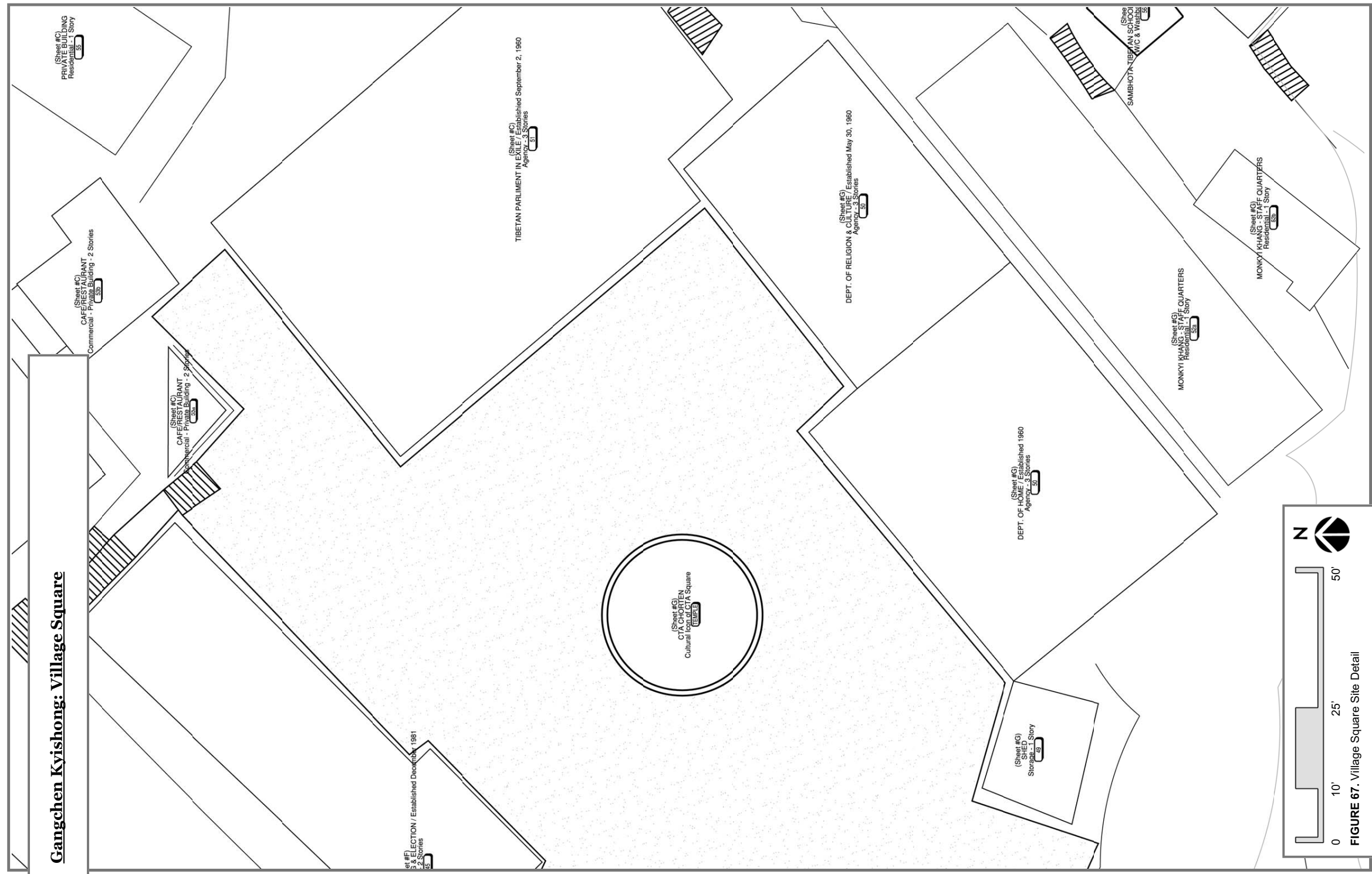
FIGURE 62. South Residential Site Detail

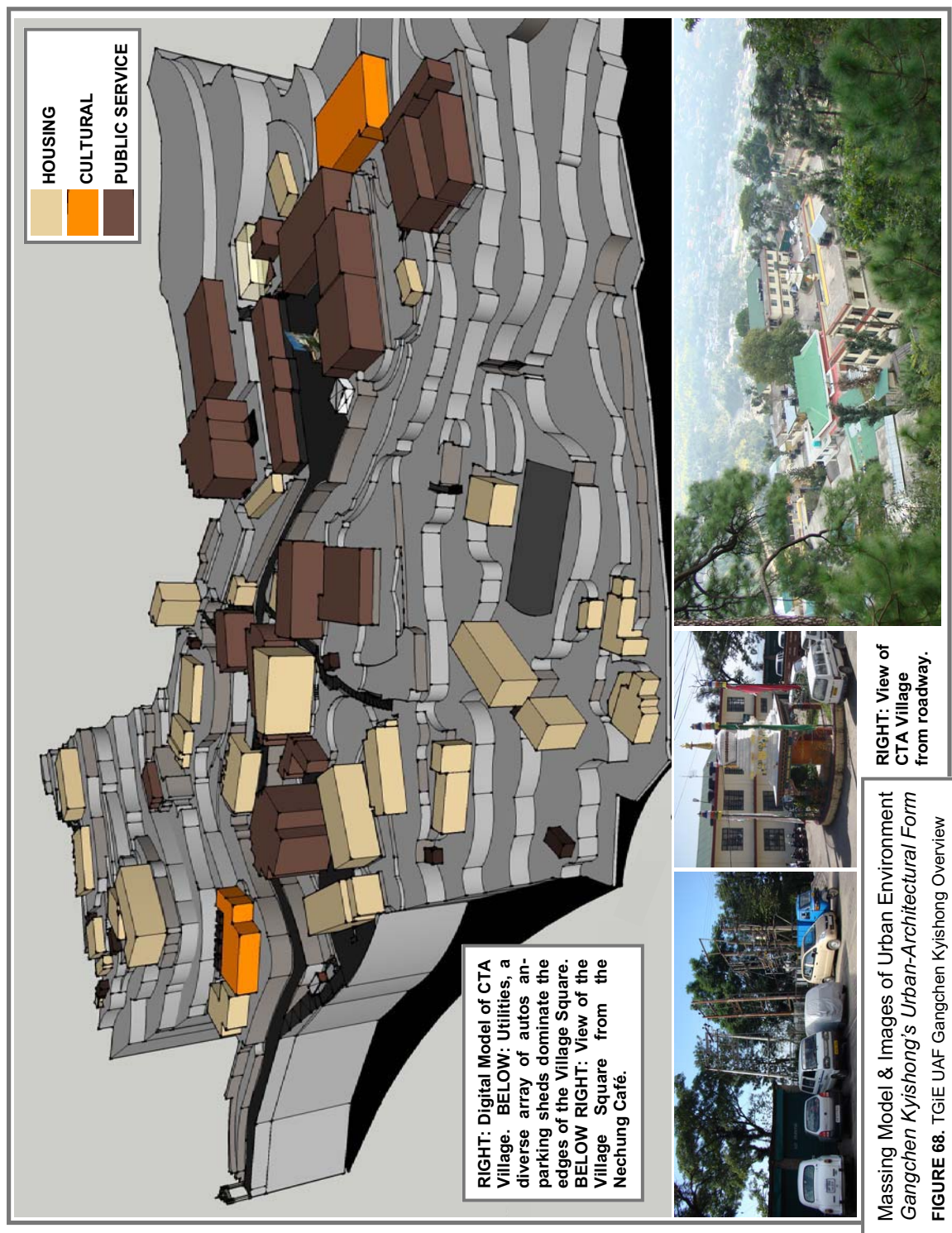




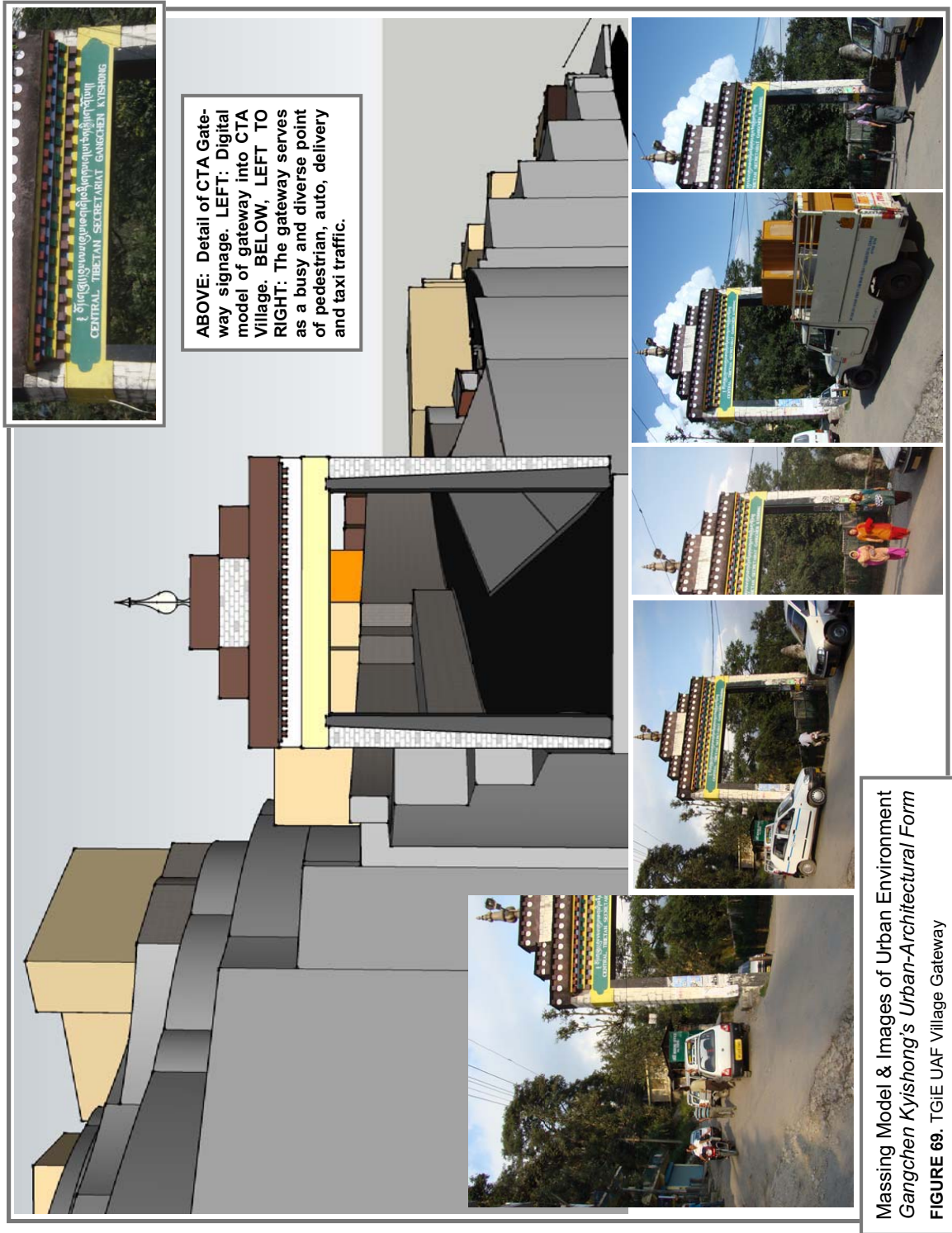


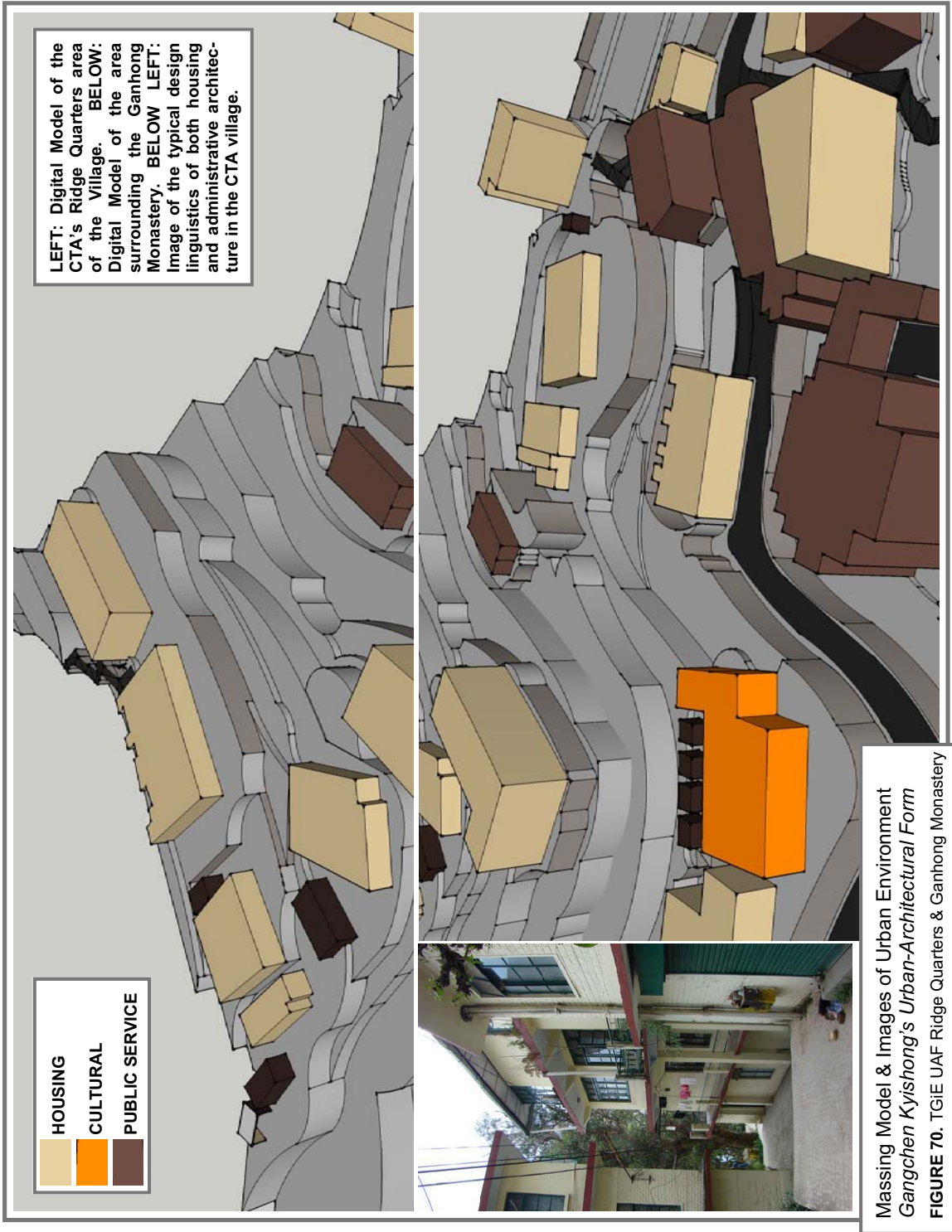


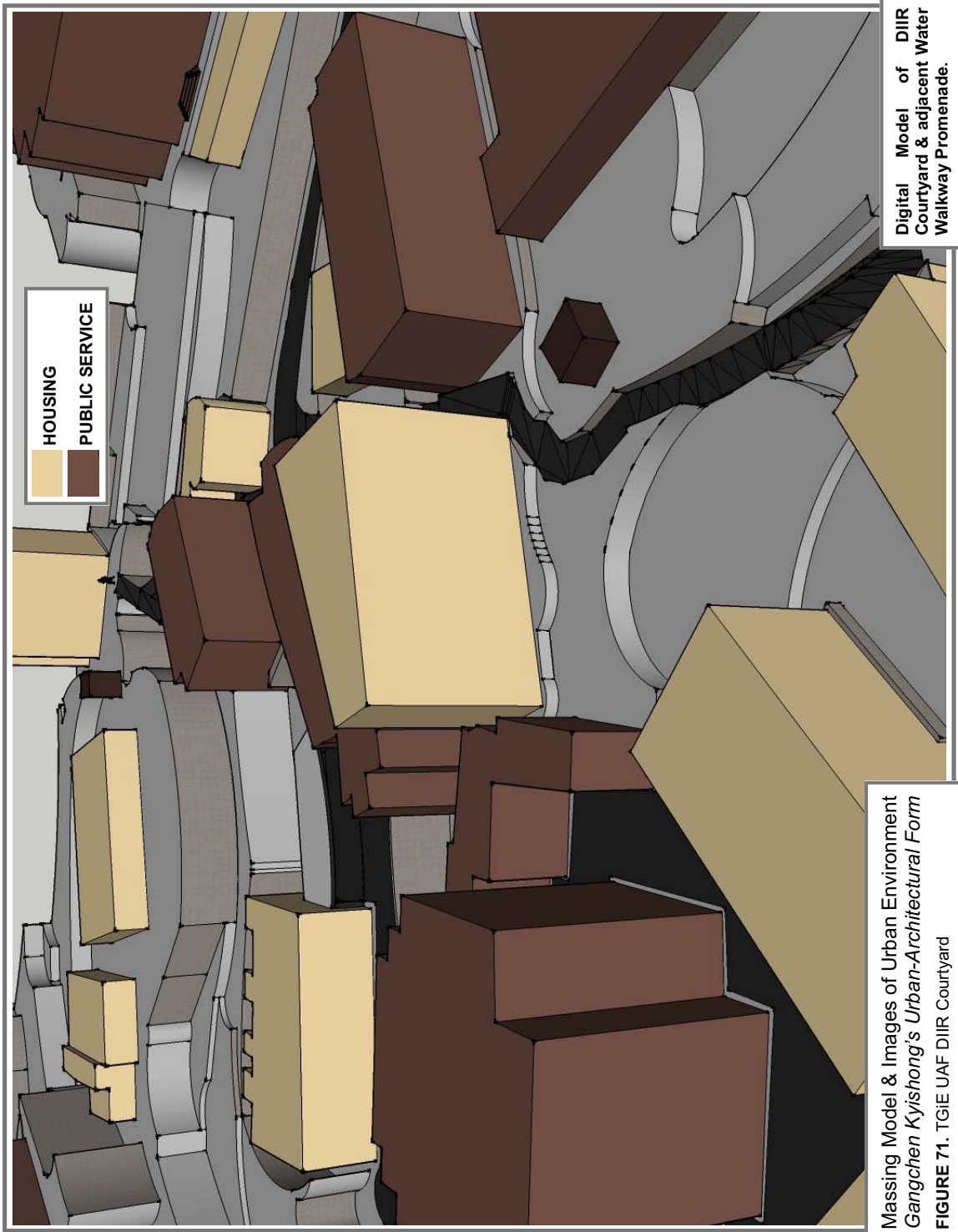


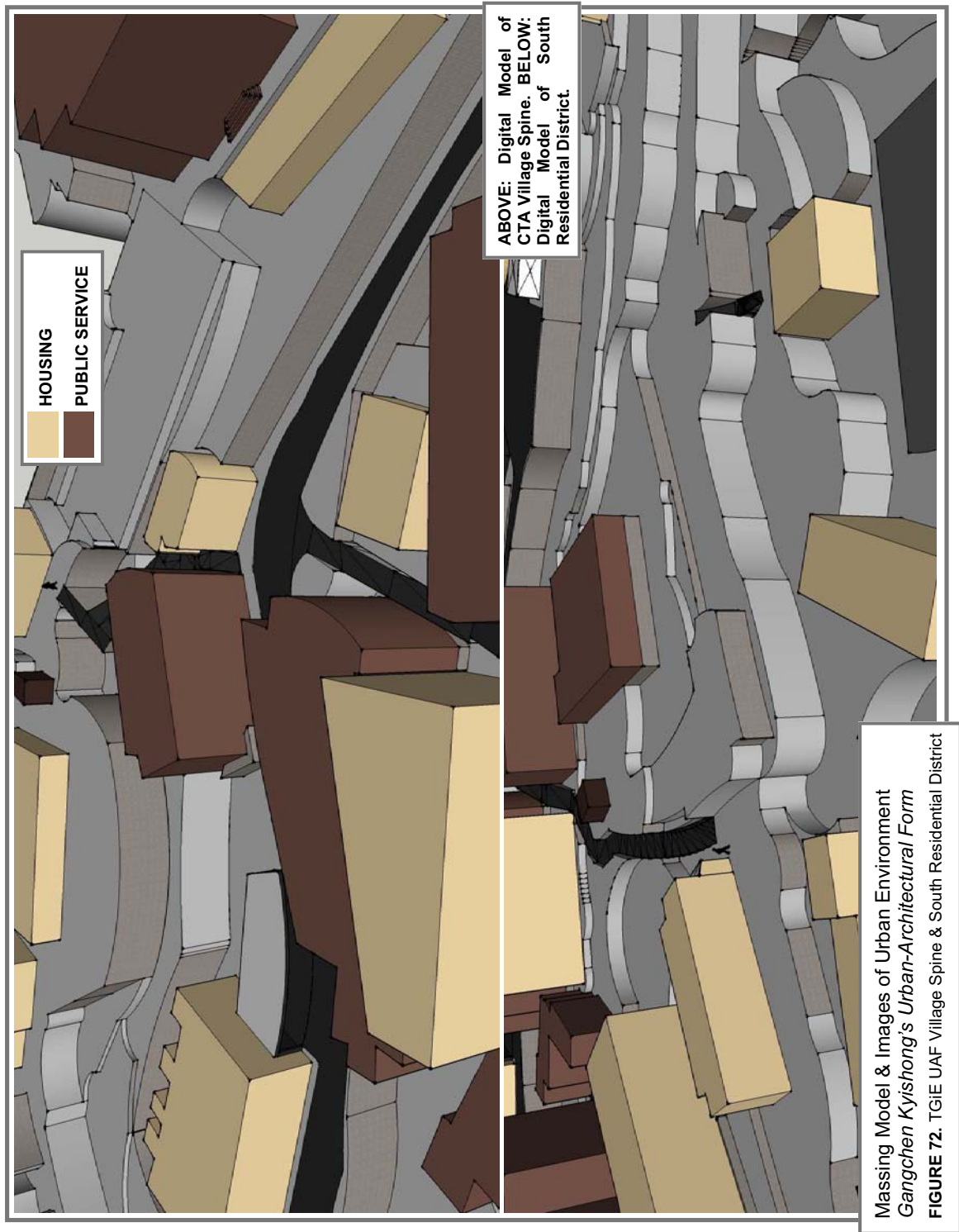


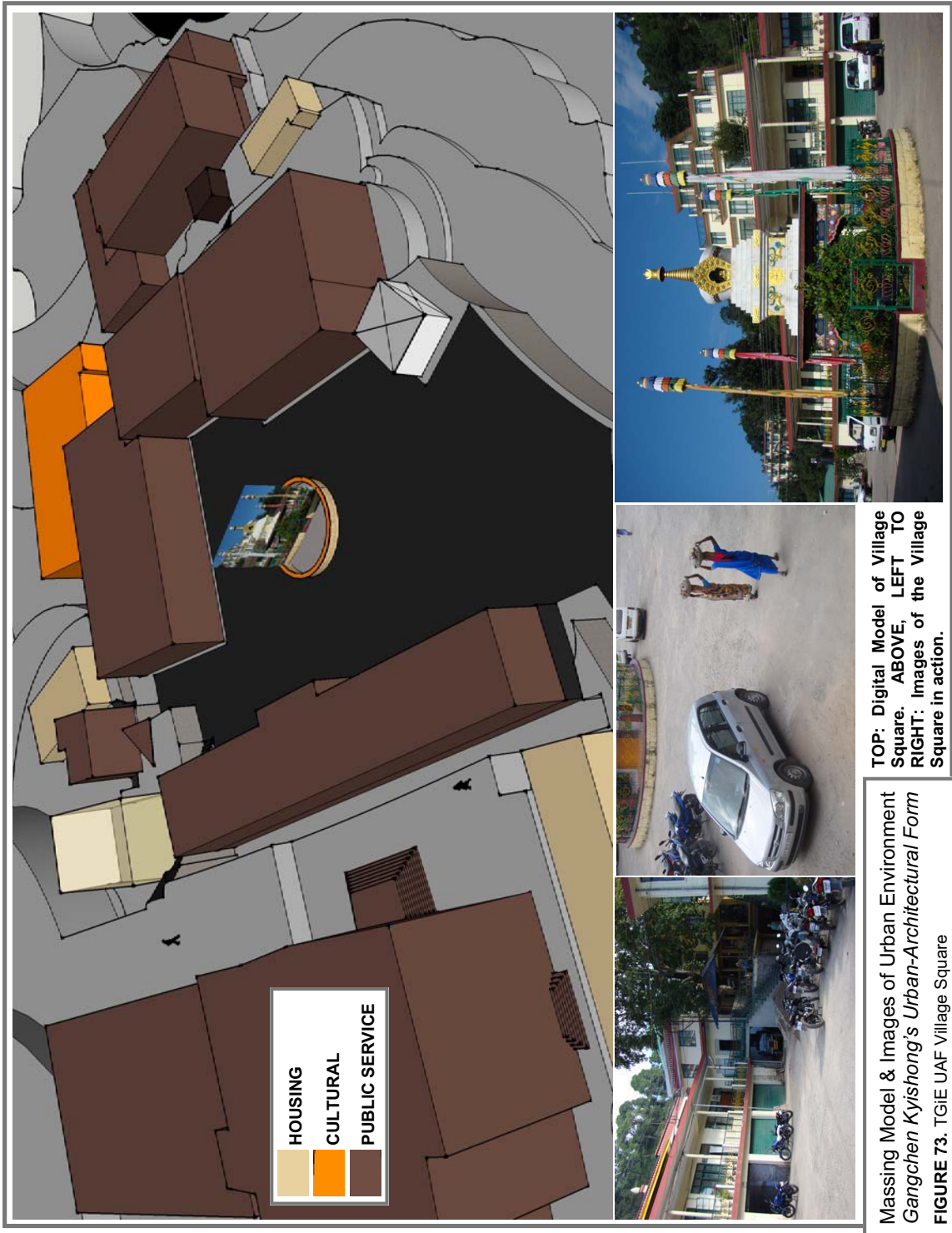
Massing Model & Images of Urban Environment
Gangchen Kyishong's *Urban-Architectural Form*
FIGURE 68. TGIE UAF Gangchen Kyishong Overview





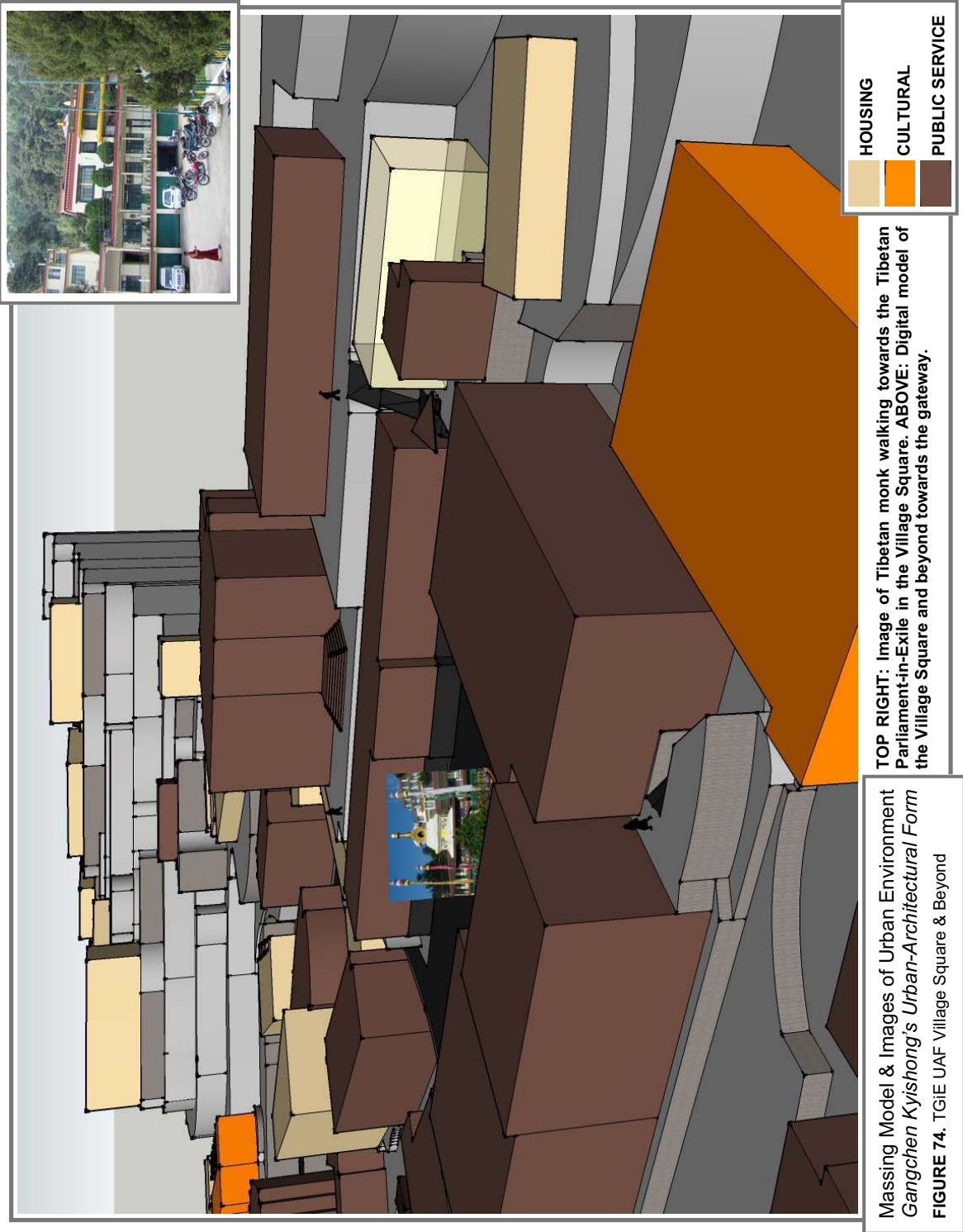


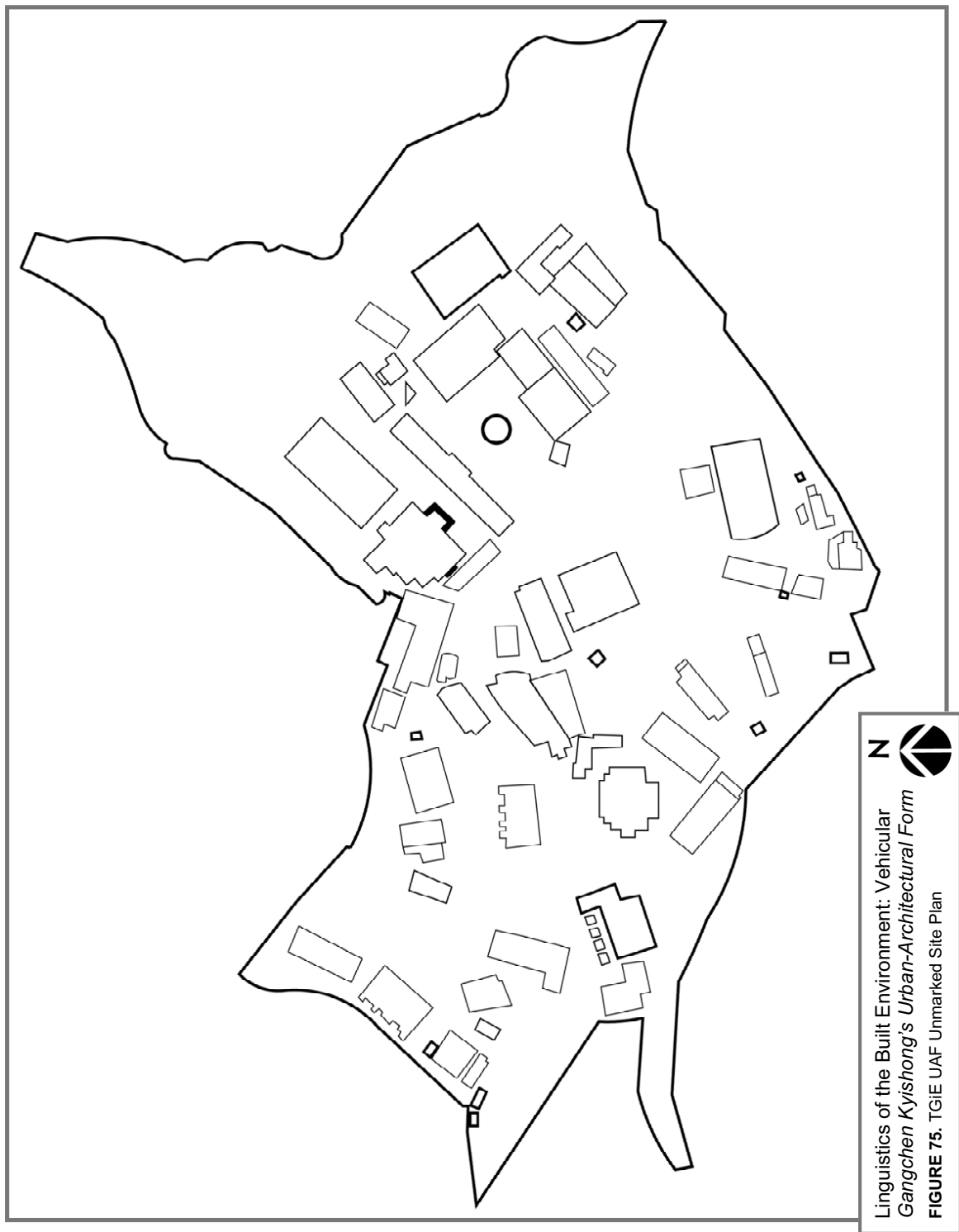


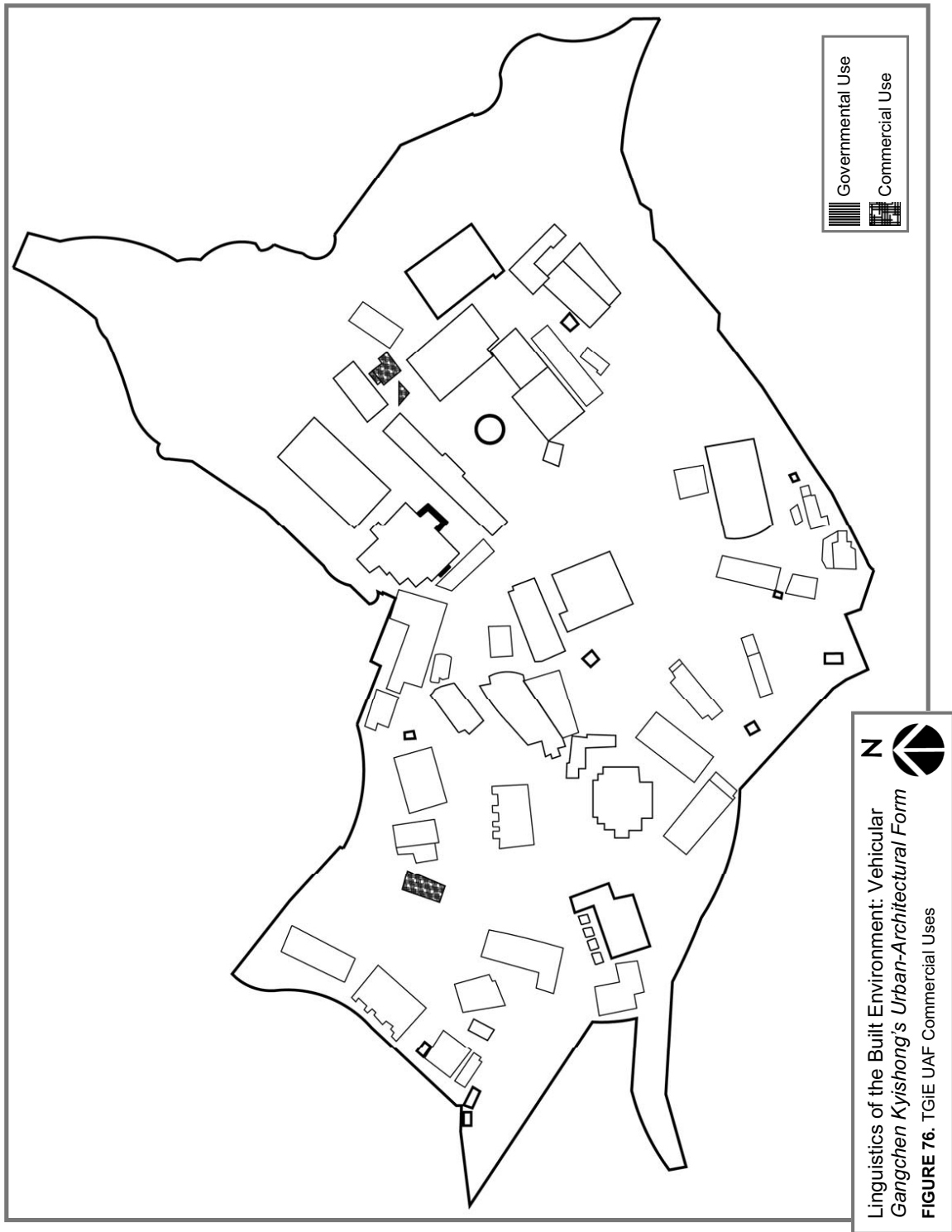


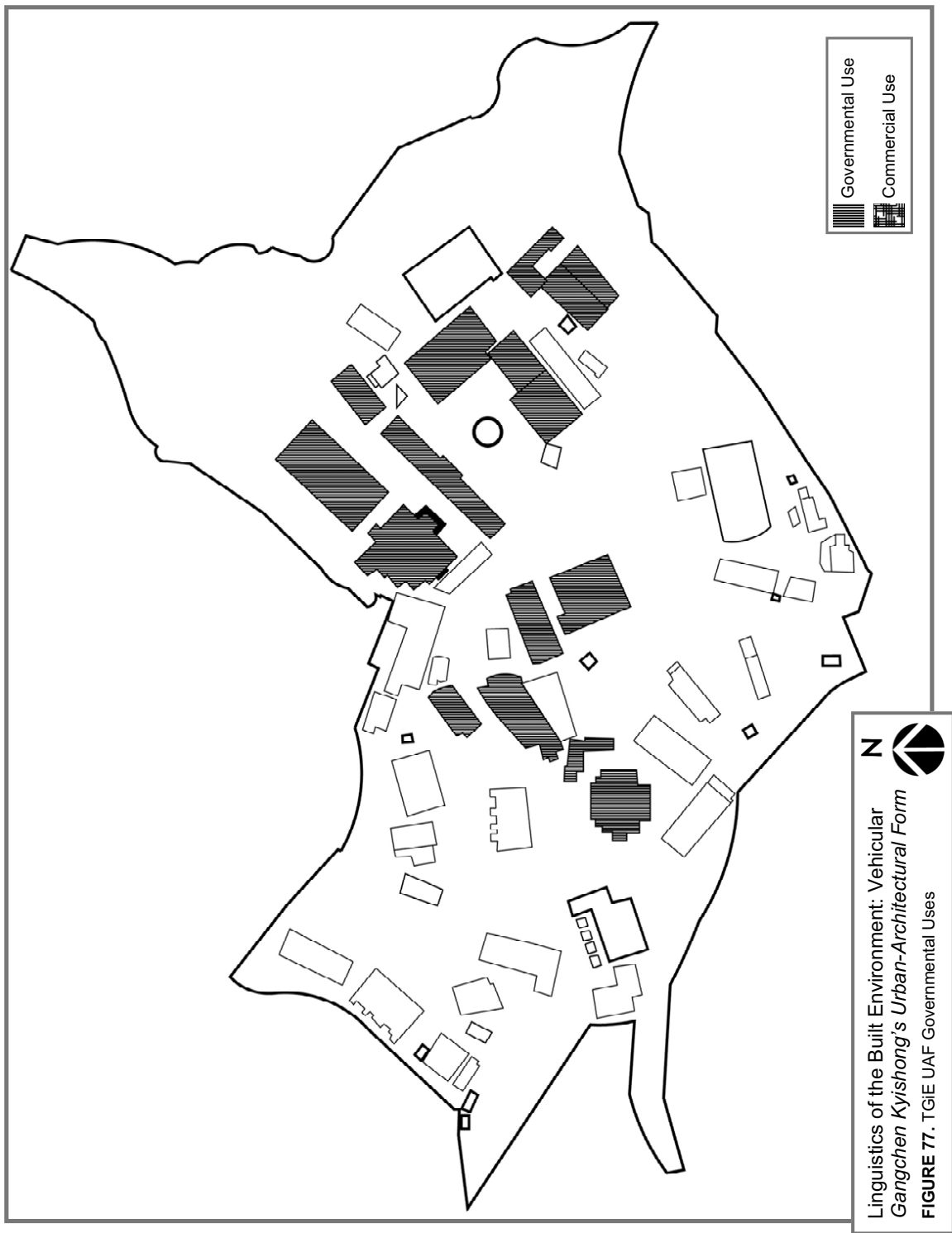
TOP: Digital Model of Village Square. ABOVE, LEFT TO RIGHT: Images of the Village Square in action.

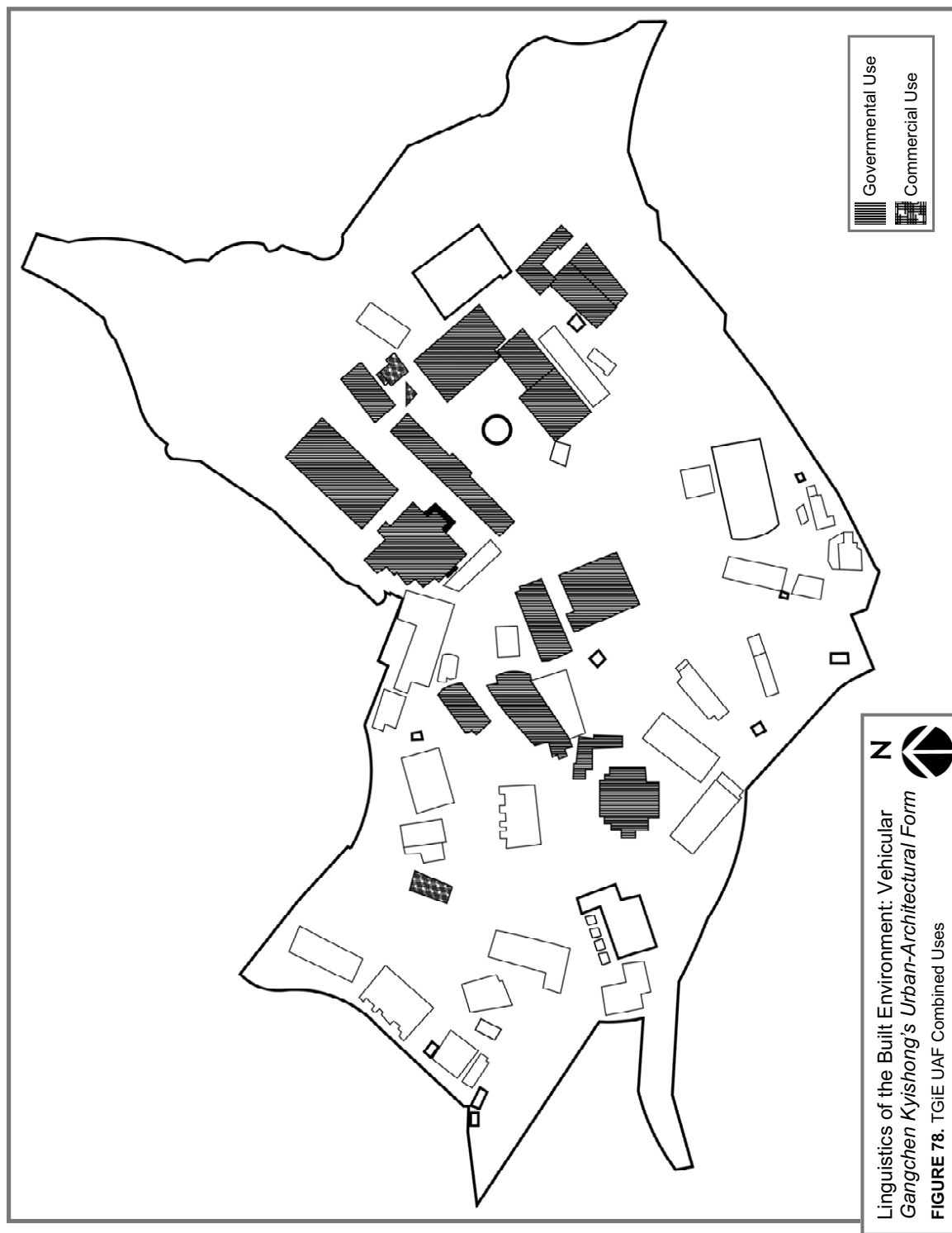
Massing Model & Images of Urban Environment
Gangchen Kyishong's Urban-Architectural Form
FIGURE 73. TGIE UAF Village Square











TIBETAN GOVERNMENT-IN-EXILE Timeline

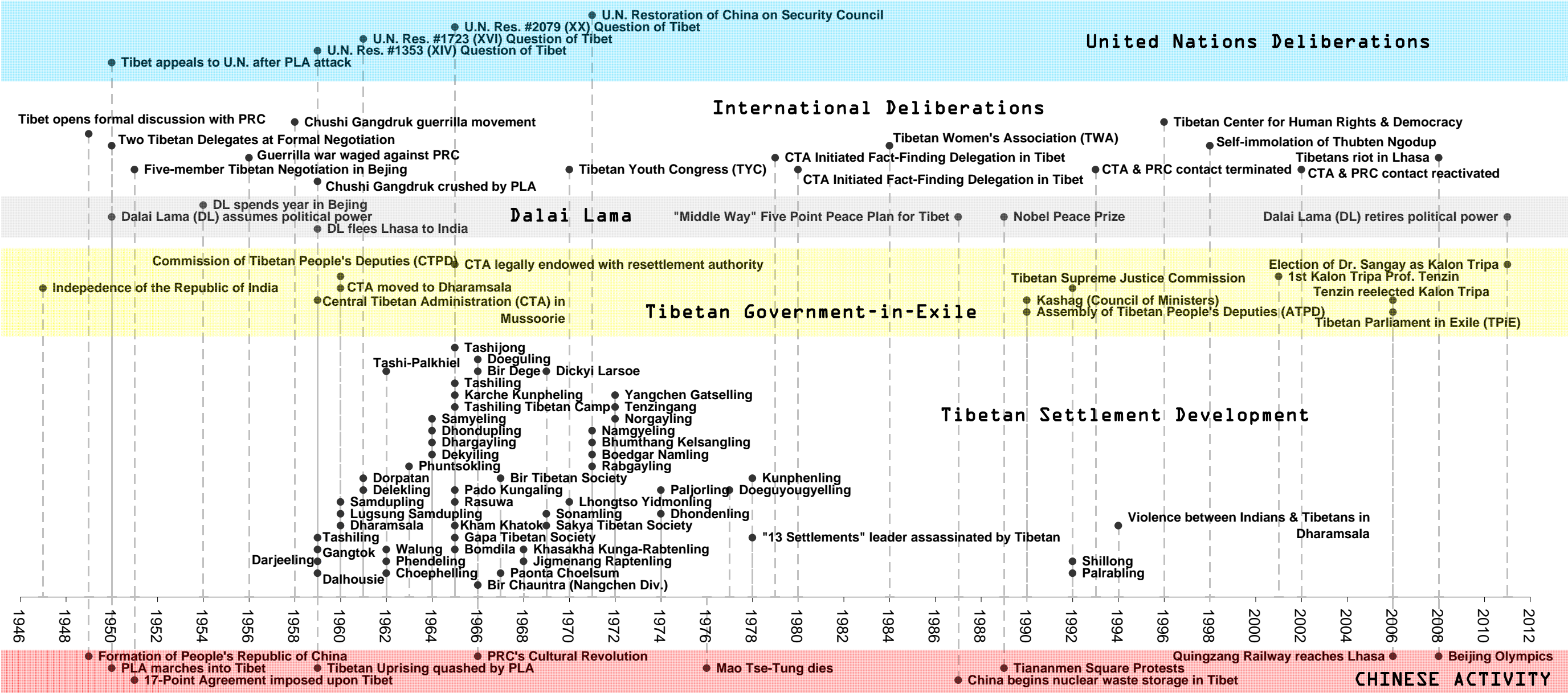


FIGURE 79. Tibetan Government-in-Exile Timeline

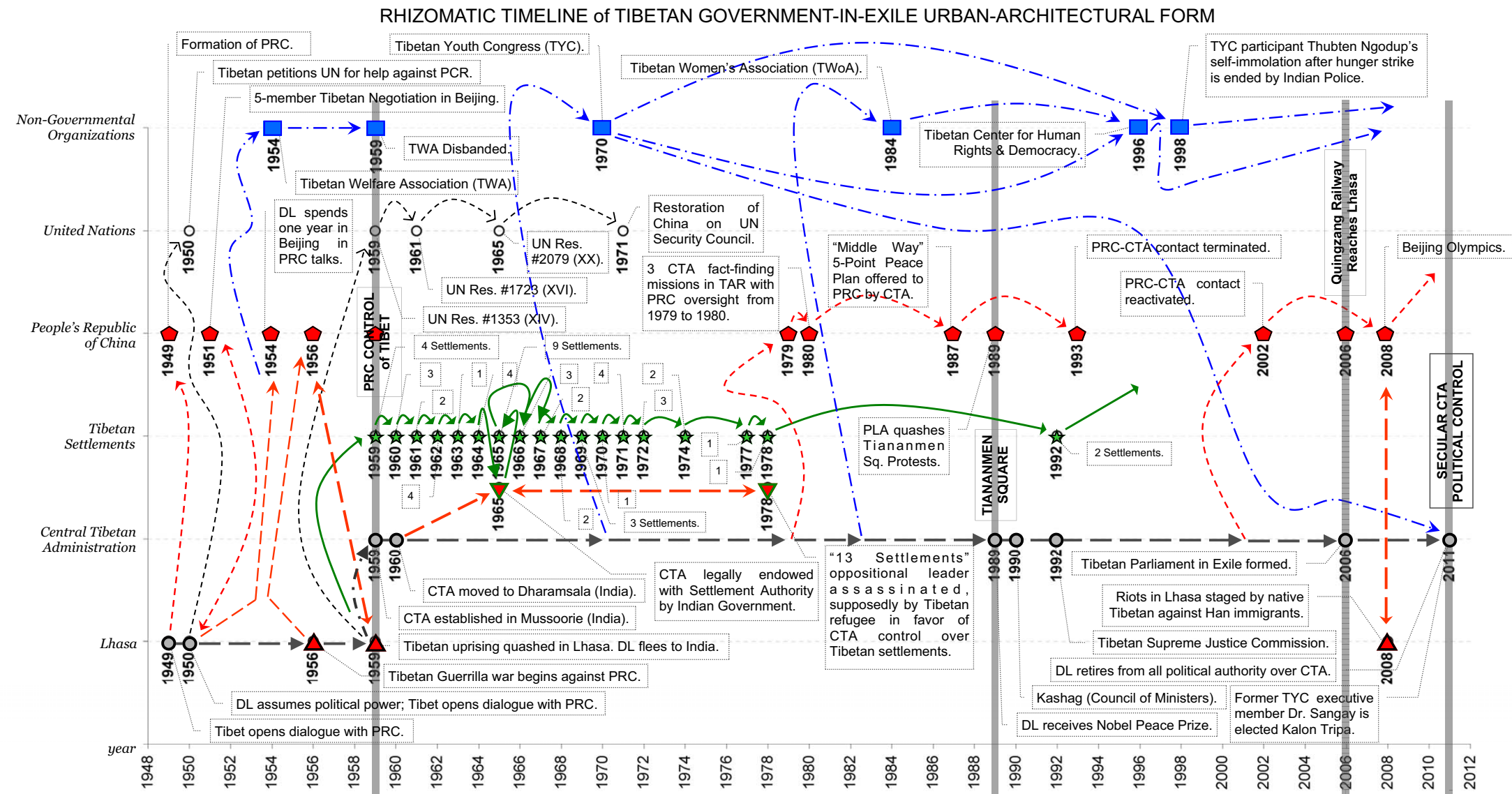
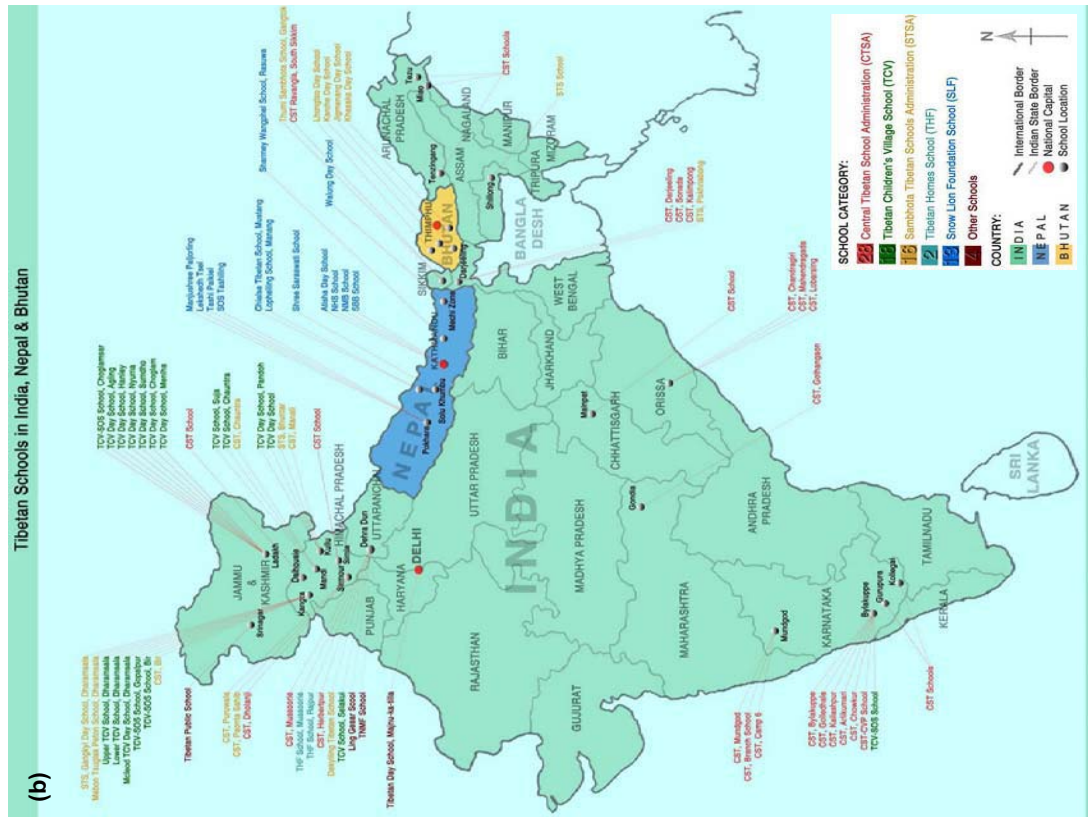


FIGURE 80. Rhizomatic Tibetan Government-in-Exile Timeline



(CLOCKWISE) (a) (TOP RIGHT) Dalai Lama receiving the Nobel Peace Prize. (b) (TOP MIDDLE) Members of the TYC in 1990's hunger strike. (c) (TOP RIGHT) Tibetan exiles gather in New Delhi to support TYC hunger strike. (d) (RIGHT MIDDLE) TGIE and PRC diplomats meet in Switzerland. (e) (RIGHT BOTTOM) TGIE delegates on fact finding mission in Tibet. (f) (ABOVE) Tibetan Women's Association personnel training exiled women on traditional Tibetan textile methods. Images provided courtesy of the Central Tibetan Administration (2008).

FIGURE 81. Images Supporting Narrative: TGIE (ii)



(a) (ABOVE) Map of all Tibetan Settlements administered by the CTA in India, Nepal & Bhutan. **(b)** (LEFT) Map of all Tibetan schools administered by the CTA in India, Nepal & Bhutan.

D.2.1. Tibet's Journey in Exile

*We need other people in order to create
The circumstances for the learning that we're here to generate
Situations that bring up our deepest fears
So we can work to release them until they're cleared
Therefore, it only makes sense
To thank our enemies despite their intent*⁴⁵⁵

On April 26, 2011, Dr. Lobsang Sangay was elected as the Tibetan Government-in-Exile [hereafter "TGiE"] Kalon Tripa (the Tibetan title for prime minister) by a 55% vote of the 83,990 registered Tibetans who voted from over 30 countries across the globe.⁴⁵⁶ Dr. Sangay released as part of his acceptance brief the following statement:

I view my election as an affirmation of the far-sighted policies of His Holiness the Dalai Lama and another important step towards the realization of his vision of a truly democratic Tibetan society.⁴⁵⁷

This observation of a *truly* democratic society for the Tibetan exiles is a telling consideration in that Dr. Sangay's election is a first in many regards. Most obviously, this is the first election whereby a secular scholar was elected rather than a leader of monastic origins.⁴⁵⁸ For those that are more visually inclined, that means someone *not* wearing a crimson monk's robe is now leading the political administration of the TGiE. Prior to Dr. Sangay's election, Lobsang Tenzin had served for two terms, elected as Kalon Tripa in the first elections of 2001, and again re-elected in 2006.⁴⁵⁹

The prior Kalon Tripa, Professor Tenzin, is a member of the rich Tibetan Buddhist heritage as both a monk and religious teacher. He was born in 1939 in eastern Tibet and fled Lhasa in 1959 after the Chinese took full occupation of the territory.⁴⁶⁰ His successor illustrates the dramatic institutional shift the TGiE is signifying in the election of Dr. Sangay. Beyond the already mentioned fact that Dr. Sangay is a secular scholar, it is important to note that Dr. Sangay was not even born in Tibet.⁴⁶¹ Dr. Sangay was born and received his primary education in Darjeeling, West Bengal, India. He received a secular university education and law degree at Delhi

⁴⁵⁵ BEASTIE BOYS, *Bodhisattva Vow*, ILL COMMUNICATION (Capital/Grand Royal Records 1994).

⁴⁵⁶ Jim Yardley, *Tibetan Exiles Elect Scholar as New Prime Minister*, NEW YORK TIMES, A14 (Apr. 27, 2011).

⁴⁵⁷ *Tibetans Elect Dr. Lobsang Sangay as Kalon Tripa*, CENTRAL TIBETAN ADMINISTRATION (Apr. 27, 2011) <<http://www.tibet.net>>.

⁴⁵⁸ Yardley, *supra* note 456, at A14.

⁴⁵⁹ *Background*, CENTRAL TIBETAN ADMINISTRATION (May 2011) <<http://www.tibet.net/en/index.php?id=14>>.

⁴⁶⁰ *It is Samdhong Rinpoche*, CENTRAL TIBETAN ADMINISTRATION (August 20, 2001)

<<http://www.tibet.net/en/index.php?articletype=flashhold&id=12&rmenuid=morenews&tab=1>>.

⁴⁶¹ *Biography of Dr. Lobsang Sangay*, KOLAN TRIPA FOR TIBET (2010) <<http://www.kalontripafortibet.org/bio.aspx>>.

University, New Delhi, India. Then, he continued his studies to receive a Ph.D. at Harvard University after his selection as a Fulbright scholar. Until his election and necessary return to Dharamsala, Dr. Sangay was actively living and working in the Boston area as a Senior Fellow at Harvard's Law School.⁴⁶²

As Dr. Sangay's "Tibetan-ness" cannot be based on his being born in the territory, his Tibetan identity has required confirmation by the Central Tibetan Administration [hereafter "CTA"], proof of which is represented by his own possession of the "Green Book" (See **FIGURE 41**). Informally known as the Tibetan Passport, this small booklet is issued by the CTA so as to register and manage the affairs of exiled Tibetans in terms of citizenship status, voting and appropriate taxing.⁴⁶³ To illustrate the fervor this exiled community has as to its nationalist ambitions, individuals *voluntarily* register for these Green Books to attain the right to vote and *pay taxes* to the CTA.⁴⁶⁴ In other words, as there is no legal obligation by Tibetan refugees to pay taxes to the CTA, Green Book recipients register and proactively pay such taxes both to maintain their Tibetan identity and to further their hopes of a future legitimate democratic Tibetan nation in their homeland.⁴⁶⁵

Dr. Sangay, having developed his professional status outside the monastic order, expressed his early Tibetan activism in the Tibetan Youth Congress.⁴⁶⁶ The Tibetan Youth Congress [hereafter "TYC"] was formed on October 7, 1970, and has from its origins advocated outright Tibetan independence from the People's Republic of China [hereafter "PRC"].⁴⁶⁷ Although this call for independence was initially an ambition shared with the Dalai Lama, today such a political course is deemed too radical in terms of the contemporary interconnectedness and rule of the Tibetan territory by the Chinese government. Since 1995, the Dalai Lama has instead advocated a "Middle-Way" for Tibetans to secure some measure of autonomy all the while acting under the purview of the PRC's control.⁴⁶⁸ Due to the Dalai Lama's leadership, this middle-way course to regional autonomy under Chinese rule has been adopted by the CTA's democratic process. As this position has been elected by the majority of Tibetans in exile, in his role as Kolan Tripa, the

⁴⁶² *Id.*

⁴⁶³ *China: The "Green Book" issued to Tibetans; how it is obtained and maintained, and whether holders enjoy rights equivalent to Indian citizenship*, IMMIGRATION AND REFUGEE BOARD OF CANADA (April 2006) <<http://www.unhcr.org/refworld/docid/45f1470c2.html>>.

⁴⁶⁴ *Id.*

⁴⁶⁵ JULIA MEREDITH HESS, *IMMIGRANT AMBASSADORS: CITIZENSHIP AND BELONGING IN THE TIBETAN DIASPORA*, 75 (2009).

⁴⁶⁶ *Biography of Dr. Lobsang Sangay*, *supra* note 461.

⁴⁶⁷ *Origin: Tibetan Youth Congress*, TIBETAN YOUTH CONGRESS (2011) <<http://www.tibetanyouthcongress.org/aboutus.html>>.

⁴⁶⁸ *The Middle-Way Approach: A Framework for Resolving the Issue of Tibet*, CENTRAL TIBETAN ADMINISTRATION (March 2010) <<http://www.tibet.net/en/index.php?id=115&rmenuid=11>>.

middle-way approach is now Dr. Sangay's officially stated method of moving Tibetan politics forward in delegations with China.⁴⁶⁹

Upon his election, the international news heralded the election of Dr. Sangay primarily as a generational shift in the leadership of Tibetan exile movement, outlining how authority has now been passed down from those who were born in Tibet and fled, to a portion of the population that were born and raised wholly outside Tibet as refugees.⁴⁷⁰ Although this is certainly true, one could also argue the greatest shift evidenced in this election is the accepted transition of the indigenous Tibetan nationalism's structure from its theocratic basis whereby religion and governance are united under the Dalai Lama, to a contemporary liberalized system where the political apparatus has been legitimately decoupled and can operate independent of the ancient religious tradition.

This theocratic system dignified as the "Lama" state was introduced in the administrative structure of the Tibetan government by the Vth Dalai Lama in roughly 1642 A.D. Among other things, this operating political system attached impetus to divinations by Tibetan Buddhist mediums.⁴⁷¹ Until the flight of the XIVth Dalai Lama in 1959, this system was fully embedded in Tibetan identity although rarely required the sitting Dalai Lama to act as fully-functioning sovereign. It has taken the current Dalai Lama and his exiled administration over a half-century to realize a slow and deliberate modernization of the political system, on that eventually manifest as the current Western-style democratic process.⁴⁷² This path to an independent secular political system began its course wholly in exile with the Commission of Tibetan People's Deputies in September of 1960.⁴⁷³ After 51 years, an independent refugee political system has finally found the communal legitimacy to function, allowing the aging XIVth Dalai Lama to retire from all political duties as of March 2011.⁴⁷⁴ In April of 2011, a non-religious legal scholar of international acclaim was elected by a majority of registered Tibetan refugees, taking the political helm of this resilient Tibetan exile movement.

⁴⁶⁹ *Ten Questions to Dr. Lobsang Sangay*, *supra* note 469.

⁴⁷⁰ Yardley, *supra* note 456. This reference to a "generational" rotation of Tibetan exiled leadership was widespread in news reporting and analysis of Dr. Sangay as the new konla tripa.

⁴⁷¹ ROEMER, *supra* note 452, at 19. *See also The Dalai Lamas*, HIS HOLINESS THE 14TH DALAI LAMA OF TIBET (Jul. 2011) <<http://www.dalailama.com/biography/the-dalai-lamas>>. The Dalai Lama's text details the political turmoil suffered during the 5th Dalai Lama's tenure leading to the unification of political and religious sectors of Tibetan society. Tellingly, under the 5th Dalai Lama the Potala Palace was commissioned and constructed over a 43 year period.

⁴⁷² HESS, *supra* note 465, at 74.

⁴⁷³ *Background*, *supra* note 459.

⁴⁷⁴ Jim Yardley & Edward Wong, *Dalai Lama Gives Up Political Role*, NEW YORK TIMES (March 10, 2011).

Dr. Sangay won his campaign for Kolan Tripa with the following mission statement: “Unity, Innovation and Self-Reliance key to Tibetan movement’s survival and sustenance.”⁴⁷⁵ Although this statement is intended as a campaign promise by Dr. Sangay to *all* ethnic Tibetans, this tripartite mission of unity, innovation, and self-reliance could just as well describe the recent cultural history of the Tibetan political experiment in exile. As power has been forcibly evacuated from the local population by way of a regional expression of globalization, Tibetans have survived as a cultural collective simply with a sustained commitment to each other through this dramatic period of geo-political upheaval.

Although known throughout the world as the TGIE (a name chosen by the XIVth Dalai Lama) officially, this organization is not a government of any sort. Rather, this organization can only be dignified by its host country, India, as the “Central Tibetan Administration” or CTA. The TGIE, if viewed as a developing artifact of contemporary history, is the product of a social-political story that begins with the strict and purposeful disconnection of an entire population from the rest of the modernizing world. In 1950, this kingdom was pushed into an international geo-political foray after only having secured its *de facto* independence in 1912. After an invasion and occupation by the newly victorious PRC, the native Tibetan administration was forced to react in a real-time method of international “hard knocks.” Successful thus far in maintaining communal solidarity in exile, these refugees-turned-activists have proven to be progressive leaders in the development of a recognized and legitimate cultural autonomy for the Tibetan population suffering under the current PRC’s iteration of expansive nation building.

At the heart of this contemporary method of protagonist political autonomy is the Tibetan Parliament-in-Exile. Housed amongst the local cluster of buildings within the CTA village, this building outright proclaims itself as the central focus of the exiled government with a self-referential sign on the building’s green porte-cochere. Perhaps unintentionally heeding the advice of Robert Venturi’s *Learning From Las Vegas* (See **FIGURE 41**), the sign reads: TIBETAN PARLIAMENT-IN-EXILE (See **FIGURE 41**). This structure appears to orient the necessary governing functions simply because the sign says so, communicating a clear balance of frugality and the formal function of an exiled administration’s democratic body.⁴⁷⁶ Endeavoring to represent the whole of the Tibetan exile apparatus, this parliamentary building is a linguistic fragment of the whole built language, telling of the multi-dimensional character of cross-cultural representation *and* functionality. As a two-part necessity for cultural exiles, this

⁴⁷⁵ *Home*, *supra* note 475.

⁴⁷⁶ ROBERT VENTURI, DENISE SCOTT BROWN & STEVEN IZENOUR, *LEARNING FROM LAS VEGAS*, 149-156 (1977). This image is ubiquitous in architectural research which is based on Venturi’s work. Many of the Tibetan Government-in-Exile buildings exhibit the telling configuration of the “Decorated Shed” as outlined by Venturi in this treatise.

representational-functional dyad is maintained throughout the story of the Tibetans in exile, even growing with success. Although today it is built literally built with bricks and mortar in the hills of Northern India, the story of the TGiE begins on the course taken by most Tibetan refugees; traveling away from the dominance and changes introduced by the PRC on a course of descent from the rooftop of the world.

The practiced course between Dharamsala and Lhasa is taken through Kathmandu at a distance of 1,364 miles. As a matter of scale for American readers, this span is roughly the same as the distance from Austin to Los Angeles through the southwest region of the United States. The distance between Lhasa and Kathmandu is only one-third of the total distance at 464 miles. Officially named the “Friendship Highway,” this extremely high and desolate roadway connects the Tibet Autonomous Region [hereafter “TAR”] of China to Nepal. On course in terms of the hypothetical Austin to Los Angeles trip, this distance would place the traveler somewhere near Fort Stockton, Texas if one left from Austin. But, unlike the largely flat West Texas terrain, over the relatively short trip of 464 miles across the Tibetan landscape, there exists a daunting series of 6,000 meter [19,700 feet] mountain passes that must be traversed before exiting Tibet.⁴⁷⁷

This dramatic elevation is so severe as to be physically compromising. Stories of non-native travelers are highlighted as individuals suffer altitude sickness by simply driving across this grueling route in busses or rented caravans.⁴⁷⁸ During the 1960’s, motivated Tibetans would take roughly three weeks to walk this course from Lhasa to the Chinese border, trekking primarily at night so as to avoid discovery by PRC authorities.⁴⁷⁹ Knowing the magnitude of difficulty in making this clandestine immigration, from any objective perspective, it is difficult to deny the great measure of negative motivation pushing these refugees to evacuate the Tibetan territory after contemporary Chinese rule was secured.

According to Tibetan sources, this motivation began with the formation of the PRC on October 1, 1949.⁴⁸⁰ On the day of formation, Radio Beijing announced “the People’s Liberation Army must liberate all Chinese territories, including Tibet, Xinjiang, Hainan and Formosa [Taiwan].”⁴⁸¹ Immediately, the existing Tibetan administration in Lhasa began diplomatic correspondence with the PRC so as to quickly settle all territorial disputes.⁴⁸² Over the next decade, a host of both

⁴⁷⁷ ROEMER, *supra* note 452, at 59.

⁴⁷⁸ Jiang He Feng, *Rajasthan to Tibet, Pt. 4: Friendship Highway – Kathmandu to Lhasa* (April 2002) <<http://www.triniview.com/India/FriendshipwayText.htm>>.

⁴⁷⁹ ROEMER, *supra* note 452, at 59.

⁴⁸⁰ TIBET’S JOURNEY IN EXILE, 17 (2008).

⁴⁸¹ *Id.*

⁴⁸² *Id.*

diplomatic activities and military engagements were undertaken so as to maintain indigenous control over the Tibetan territory.

In 1950, the Lhasa administration concurrently sought diplomatic aid from the United Nations [hereafter “UN”], defended its eastern border against the advancing People’s Liberation Army [hereafter “PLA”], and directly corresponded with the PRC to peacefully remedy border disputes that had carried on literally for centuries (See **FIGURE 42**).⁴⁸³ None of these actions were successful for the resident Lhasa administration. As Tibet was not a member of the United Nations in 1950, the UN refrained from interfering in the conflict between the Tibetans and the advancing Chinese.⁴⁸⁴ On October 7, 1950, the PLA easily defeated all Tibetan resistance in Chomdo of Eastern Tibet.⁴⁸⁵ Although correspondence began between the Lhasa administration and the PRC, the PRC would not accept in-person diplomatic delegations without a pre-meeting admission by the Lhasa delegates that all disputed Tibetan territory was under the full control of the PRC.⁴⁸⁶

On November 17, 1950, due to the crisis at hand, the XIVth Dalai Lama assumed full political power three years earlier than is traditional and created a single unified face of resistance to the PRC’s “liberation” efforts.⁴⁸⁷ Although hope was ignited in favor of continued Tibetan autonomy after the Dalai Lama’s ascension, in spite of a multivalent approach to deter the Chinese, the PRC was successful in securing full control of the former Tibetan nation by 1959.⁴⁸⁸ By this point, already the Tibetans had employed tactics that included guerrilla war efforts, direct delegations with the PRC in Beijing, and a constant stream of requests to the international community for assistance in defending against their conquering neighbor.⁴⁸⁹

Prior to the fall of the native Tibetan administration and in spite of the fact that the PLA was steadily moving into Tibet from its eastern border with China, the Dalai Lama met with the PRC’s Beijing administration for a year in 1954.⁴⁹⁰ This meeting included direct delegation

⁴⁸³ *Id.* at 17-23. See also H.E. RICHARDSON, A SHORT HISTORY OF TIBET, 45 - 46, 50 - 53, 97, 110, 122 - 123 (1962).

⁴⁸⁴ *Id.* at 17.

⁴⁸⁵ *Id.*

⁴⁸⁶ *Id.* at 17-18.

⁴⁸⁷ *Id.* at 18. See also Pradyumna P. Karan, *The New Tibet*, 52 FOCUS ON GEOGRAPHY 2, (Fall 2009). In Karan’s article, the liberation process of redistributing land deeds to the peasant or proletarian class of individuals is discussed. According to these sources, typically such deeds were taken from the aristocratic land-owning class of Tibetan culture. In various pieces of literature, there is a belief that a significant portion of the refugee population had their origins in this aristocratic land-owner class who were targeted by the PRC’s land redistribution policy. Such literature includes Yan Hao, *Tibetan Population in China: Myths and Facts Re-examined*, 1 ASIAN ETHNICITY 1, 11 - 36 (March 2000); further, see ROEMER, *supra* note 452, at 59.

⁴⁸⁸ Hao, *supra* note 487, at 12.

⁴⁸⁹ TIBET’S JOURNEY IN EXILE, *supra* note 480, at 17 - 23.

⁴⁹⁰ *Id.* at 23.

between the Dalai Lama and Chairman Mao Tse-tung (See **FIGURE 42**).⁴⁹¹ After such delegations were found to be a distraction rather than an earnest course to continued autonomy, the young Dalai Lama immediately returned to Lhasa.⁴⁹² In 1956, a concerted guerrilla war effort was undertaken (See **FIGURE 42**), leading to a quick advance of violent conflict and the final major uprising in Lhasa in 1959.⁴⁹³ With overwhelming force, the PLA quashed the military efforts of the Tibetans on March 10, 1959.⁴⁹⁴ By March 17, 1959, a large contingency of the remaining native Tibetan administration fled into India, Nepal and Bhutan for their own security, as well as to continue their resistance to the PRC's control over Tibet from abroad.⁴⁹⁵ Leading this major evacuation was the XIVth Dalai Lama, who reached his newfound Indian exile headquarters in Mussoorie on April 18, 1959 (See **FIGURE 42**).⁴⁹⁶

After China secured full control of Tibet in 1959, the U.N. General Assembly responded to the PRC's actions with Resolution 1353 (XIV) of October 21, 1959.⁴⁹⁷ Although short, the resolution is succinct in its historical notation of the conditions between Tibet and the PRC:

Considering that the fundamental human rights and freedoms to which the Tibetan people, like all others, are entitled include the right to civil and religious liberty for all without distinction,

Mindful also of the distinctive cultural and religious heritage of the people of Tibet and of the autonomy which they have traditionally enjoyed,

Gravely concerned at reports, including the official statements of His Holiness the Dalai Lama, to the effect that the fundamental human rights and freedoms of the people of Tibet have been forcibly denied them...

Signifying the heightened impact of Chinese efforts to forcibly secure the Tibetan territory, in October of 1961, the General Assembly's Resolution 1723 (XVI)⁴⁹⁸ begins where Resolution 1353 (XIV) left off:

Gravely concerned at the continuation of events in Tibet, including the violation of the fundamental human rights of the Tibetan people and the suppression of the distinctive cultural and religious life which they have traditionally enjoyed,

⁴⁹¹ *Id.*

⁴⁹² *Id.*

⁴⁹³ *Id.* at 20, 23.

⁴⁹⁴ *Id.* at 23.

⁴⁹⁵ ROEMER, *supra* note 452, at 59.

⁴⁹⁶ TIBET'S JOURNEY IN EXILE, *supra* note 480, at 31. See also *Dalai Lama to Move in India*, NEW YORK TIMES, March 17, 1960.

⁴⁹⁷ G.A. Res. 1353, U.N. GAOR, 14th Sess. (1959).

⁴⁹⁸ G.A. Res. 1723, U.N. GAOR, 16th Sess. (1961).

Noting with deep anxiety the severe hardships which these events have inflicted on the Tibetan people, as evidenced by the large-scale exodus of Tibetan refugees to the neighboring countries...

2. *Solemnly renews* its call for the cessation of practices which deprive the Tibetan people of their fundamental human rights and freedoms, including their right to self-determination...

As a final U.N. acknowledgement of the ongoing international conflict between Tibet and the PRC, the U.N. General Assembly adopted Resolution 2079 (XX) on December 18, 1965.⁴⁹⁹ In it, the international community places a continued focus on the oppressive nature of the PRC in terms of the traditional practices and autonomy of the native Tibetans. Below, I have directly quoted the language of the resolution:

Gravely concerned at the continued violation of the fundamental rights and freedoms of the people of Tibet and the continued suppression of their distinctive cultural and religious life, as evidenced by the exodus of refugees to the neighboring countries...

1. *Deplores* the continued violation of the fundamental rights and freedoms of the people of Tibet...
3. *Declares its conviction* that the violation of human rights and fundamental freedoms in Tibet and the suppression of the distinctive cultural and religious life of its people increase international tension and embitter relations between peoples;
4. *Solemnly renews* its call for the cessation of all practices which deprive the Tibetan people of the human rights and fundamental freedoms which they have always enjoyed...

In spite of the clear language of these resolutions, the declaratory statements of international law had very little impact on the course taken by the PRC. In fact, in 1971 China was fully restored on the U.N. Security Council with Resolution 2758 (XXVI).⁵⁰⁰ Once the PRC became an acting member of the Security Council, all Tibetan-friendly resolutions ceased as such Sino-Tibetan conflicts were no longer understood to be international matters; instead, such issues according to the UN community were the intra-state politics of the Chinese State.⁵⁰¹

⁴⁹⁹ G.A. Res. 2079, U.N. GAOR, 20th Sess. (1965).

⁵⁰⁰ G.A. Res. 2758, U.N. GAOR, 26th Sess. (1971).

⁵⁰¹ By 1965, the PRC had already established the TAR [Tibetan Autonomous Region] in an early attempt to create a 'one-country, two systems' policy. This policy has not yet been successful, but nonetheless reified the Chinese position that Tibet was now an intra-state territory of the PRC. The Central Tibetan Administration accented to the PRC's position as the contemporary government over Tibet with their acceptance of the Dalai Lama's "middle-way" approach to Tibetan

Here, these three resolutions outline the very nuisance expressed in the global modernization of Central Asia by the PRC. In the PRC's efforts to "liberate" its quasi-historical outer territories, the Chinese policy of aggressively introducing socialist socioeconomic changes also incurred a profound nuisance on existing residents in the effort to modernize.⁵⁰² As noted in all three UN resolutions, the PRC's form of modernization in Tibet suppressed the native people's traditional way of life, offended the native Tibetans right to self-determination, and caused a sustained flight of native Tibetans into the neighboring nations of India, Nepal and Bhutan.

These three major nuisances are the product of the PRC's regional modernization scheme, and in reaction, make up the very core of why the TGiE was formed and exists in Northern India. Clearly outlined as the CTA's primary function, "the CTA has set itself the twin task of rehabilitating Tibetan refugees and restoring freedom and happiness in Tibet."⁵⁰³ In a more direct statement of the Tibetan administration's function in exile, the CTA has outlined the necessity to resettle and rehabilitate Tibetan refugees all the while preserving the unique Tibetan culture and to seek justice in the homeland controlled by China.⁵⁰⁴

The CTA aims of "seeking justice in the homeland" has been greatly limited, proving difficult with only peaceful, international deliberations held inconsistently outside India. This limitation was required by the Government of India, as all other activities undertaken by the CTA organization directly aimed at criticizing the PRC's actions in Tibet proved too politically dangerous in terms of Sino-Indian relations.⁵⁰⁵ In observance of these political parameters of exiled Tibetan activity, this triad of resettlement, rehabilitation and cultural preservation has been the primary purpose of the TGiE since the CTA's headquarters moved to its current location in the Gangchen Kyishong village of Dharamsala, Himachal Pradesh, India in April of 1960.⁵⁰⁶

D.2.1.1. Central Tibetan Secretariat Gangchen Kyishong

The Indian city of Dharamsala was named after the Hindu pilgrimage overnight resting quarters that stood at the foothills of an open valley where a new garrison was to be located. The Hindi name for a religious rest stop or 'spiritual dwelling' is *dharamsala*, hence the appropriative application of the word to the newly formed town that was founded there in 1849. Thereafter, a

autonomy within the Chinese administration, adopted democratically on September 18, 1997. See Hao, *supra* note 487, at 12. See also *The Middle-Way Approach*, *supra* note 468.

⁵⁰² Karan, *supra* note 487.

⁵⁰³ *Background*, *supra* note 459.

⁵⁰⁴ ROEMER, *supra* note 452, at 66 - 67.

⁵⁰⁵ *Id.* at 69.

⁵⁰⁶ *Id.* at 66 - 72.

hillside outpost was built approximately six miles up the mountain side as a pleasant neighborhood and local market. This ridgeline, sinuous community was named after Sir D. McLeod, informally called McLeod Ganj which translates as “McLeod’s neighborhood” or “McLeod’s market.” An earthquake struck the region in 1905, destroying McLeod Ganj in subsequent landslides while leaving downhill Dharamsala to flourish as a major regional market and tourist town for Indian vacationers, Hindu pilgrims and Buddhist worshipers.

As discussed previously, the Dalai Lama and his entourage fled directly to Mussoorie, Uttarakhand, India on April 18, 1959 after a Tibetan uprising was quashed by the PLA in Lhasa (See **FIGURE 42**). Upon arrival in Northern India, the Dalai Lama began operating an exiled Tibetan administration to care for refugees and attempt to regain control of the Tibetan territory. Soon after establishing the ad hoc headquarters, both Indian officials and the Tibetan administration realized a return to the Tibet would not come quickly. Instead, a long-term rehabilitation agency was initiated that required a permanent headquarters for the Dalai Lama from which he could advance the cultural, housing and diplomatic activities found necessary for both refugee and native Tibetans (See **FIGURE 42**).

Mussoorie is a hillside resort community in Northern India, favored by Indians for honeymoons and convenient holiday retreats from nearby Delhi. Already popular and populated with Indians, Mussoorie had scarce suitable land or excess water resources for the continued habitation of increasing numbers of Tibetan refugees.⁵⁰⁷ By February of 1960, the Dalai Lama accepted Indian Prime Minister Nehru’s suggestion to move his Tibetan headquarters a distance of 280 miles north to Dharamsala.⁵⁰⁸ Utilizing the abandoned McLeod village for its ample space and existing infrastructure, the upper slopes of Dharamsala had the climate and favorable cultural environment to support the tens of thousands of Tibetan refugees pouring into India from the north. The Dalai Lama moved into Dharamsala by the end of April of 1960, bringing with him a large encampment of refugees’ intent on continuing the Tibetan movement from India.⁵⁰⁹

⁵⁰⁷ *Industrial Units in Private & Public Sector*, THE TIMES OF INDIA, 1 (Mar. 17, 1960).

⁵⁰⁸ *Dalai Lama*, THE TIMES OF INDIA, 1 (Feb. 21, 1960).

⁵⁰⁹ *Dalai Lama*, THE TIMES OF INDIA, 5 (Apr. 21, 1960).

TABLE 14. Gangchen Kyishong UAF Inventory

Overall Urban-Arch Features			Land Area 9.71 acres 155,873 sq.ft.	Built Area 5.98 acres 260,465 sq.ft.
	FIG. #	Data Notation	(sq. ft.)	(sq. ft.)
Chorten	47, 67	0	1,001	1,001
Toilet	92	5	298	298
Staff Quarters - Delek Khang	102	6	440	440
Staff Quarters - Delek Khang	102	7	1,267	1,267
Toilet	92	8	123	123
Gadhen Fhang Building - MP Quarters	54	9	2,780	5,560
Shed	54, 101	10	311	311
Staff Quarters - Dekyi Khang	102	11	1,401	1,401
Staff Quarters	102	12	1,808	3,615
Staff Quarters - Tashi Khang	102	13	2,801	8,402
Staff Quarters - Pendyi Khang	102	14	2,119	6,357
Shed	55, 101	15	105	105
Ganhong Monastery	55	16	3,209	6,418
Shed	55, 101	17	100	100
Shed	55, 101	18	89	89
Shed	55, 101	19	87	87
Store	56	20	828	828
Staff Quarters – Kalsang Khang Hut	102	21	2,374	4,748
Staff Quarters – Phalber Khang	102	22	2,743	8,229
Staff Quarters – Denghen Khang	102	23	1,635	1,635
Dept of Information & International Relations	46, 58	24	3,752	15,008
Staff Quarters – Denghen Khang	102	25	2,547	2,547
Tin Shed Garage	57	26	696	696
Staff Quarters – Phalgyal Khang	102	27	2,620	7,860
Voice of Tibet Radio	50, 58, 96	28	1,078	2,156
Staff Mess	49, 59	29	3,523	10,569
Department of Finance	44, 59	29.1	1,524	4,572
Diskdong	46, 59	29.2	482	964
Staff Quarters – Namsel Khang	49, 96, 102	29.3	1,995	7,980
Staff Quarters	102	30	932	3,728
Staff Quarters – Leomon Khang	102	31	1,440	2,880

TABLE 14. Continued

Staff Quarters – Rabtan Khang	102	32	886	1,772
Staff Quarters – Phuntsok Khang	102	33	3,855	11,565
Utilities	106	35	148	148
Department of Education	43, 61	36	2,674	8,022
Utilities	106	37	192	192
Staff Quarters - Songtsen	102	38	735	735
Office of Exile History Compilation Section	48, 61	39	4,197	4,197
Staff Quarters - Sunny Hostel	102	40	2,172	6,421
Staff Quarters - Neo Khang	102	41	1,081	1,081
Tibetan Supreme Justice Commission	50, 63, 94, 97	42	5,383	21,532
Private House (On Lease)	62, 65	43	1,151	1,151
Dept of Health/Office of Planning & Election	45, 64	45	4,004	8,008
Library of Tibetan Works and Archives	47, 64	46	6,245	12,490
Private House (On Lease)	62, 65	47	5,970	858
Staff Quarters - Sonam Khang	102	48	927	1,854
Shed	67, 101	49	373	373
Department of Home/ Religion & Culture	44, 64	50	4,786	14,357
Tibetan Parliament in Exile	49, 65, 93- 94	51	4,896	14,688
Monkyi Khang Staff Quarters	102	52	2,431	2,431
Café	43, 65	53	715	1,430
Private Building	62, 65	55	1,275	1,275
Sambhota Tibetan School Gangkyi	66	56	3,831	11,155
Nechung Monastery	48	57	5,008	10,016
Office of Education Department	66	58	1,522	4,565
Roadways	105		35,134	0
Water-Channels	50, 100		2,453	2,453
Staircases	43-44, 46, 48, 50, 91- 92, 96-97, 105		4,725	4,725
Retaining Wall	48, 99		2,999	2,999

After moving to Dharamsala, the newly minted CTA was organized and headed by the Dalai Lama as construction began immediately in the headquarters village. The first organization to

find a permanent home on the site was the combined Department of Home - Department of Religion & Culture building in 1960. Quickly thereafter, the Department of Education found “brick and mortar” housing in 1961. From this beginning, a village gestated on the district’s allotted 9.7 acre plot of recovered land, constantly regenerating both politically and physically as the CTA reified its twin primary goals of rehabilitation and resettlement.

Today, upon entering the village-district by car, one must enter through a large formal gate detailed with traditional Tibetan architectural ornamentation, signifying the roadway entry into Gangchen Kyishong. On the spanning lintel of the gate it states CENTRAL TIBETAN SECRETARIAT GANGCHEN KYISHONG on a green background in both English and Tibetan. Tibetan propaganda posters are glued and fading on each column of the gate that directs visitors down a slender roadway only deep enough for one car width of traffic (See **FIGURE 69**).

Gangchen Kyishong is solely controlled and operated by the Tibetans who reside and work there. This is very different from McLeod Ganj or the other villages of Dharamsala that house the local Tibetan exile population. Outside Gangchen Kyishong, local Indians, Sikhs, Westerners and Tibetans live and work in an integrated manner, creating an extremely diverse cross-section of cultural mannerisms, clothing and wares displayed for sale to tourists on the streets.

Officially characterized as a “scattered settlement” by the CTA, whereas the greater Dharamsala area has a population of 10,470 Tibetans⁵¹⁰ the Gangchen Kyishong village itself houses only an approximate 825 exile refugees working within the district. Surveyed as a whole, Gangchen Kyishong is made up of 58 elements of the built environment (See **TABLE 14**), including:

D.2.1.1.1. Café (Notation #53)

Categorized as an ‘Economic-Commercial’ resource, the Café is a nexus point for the Village Square at the center of Gangchen Kyishong. From the Café, one can enjoy an elevated vantage of the village under a combination of built and natural shade. There are very few eateries in the village, and this is the only one not exclusively employed for Tibetan staff sustenance. Here, Tibetans, Indians and Westerners mix and mingle before moving forward with their business of

⁵¹⁰ *Tibetan Settlements in India*, TIBETAN WELFARE OFFICE (2009) <<http://tibetgov.net/india/settlements/two-dasa.html>>.

the day. The Café itself is 1,430 square feet, with the upper and basement stories inhabited as residential units (See **FIGURES 43** and **65**).⁵¹¹

D.2.1.1.2. Department of Education (Notation #36)

Categorized as a ‘Public Service’ resource, the building housing the Department of Education is one of the originating agencies of the CTA, founded in 1961. As one of the oldest buildings in the district, the infill masonry techniques used on the building exhibit a hybrid style as the building traverses a relatively steep ground plane. The building is surrounded by an unwieldy layer of foliage cut back for the various entrances. Nonetheless, the 8,022 square foot administrative building is one of the largest in the district, located at the center of the district as oriented from the complete survey plan (See **FIGURES 43** and **61**).

D.2.1.1.3. Department of Finance (Notation #29.1)

As the Department of Finance was inaugurated on May 29, 1969, the CTA’s primary organ of fundraising and revenue creation is categorized as a ‘Public Service’ resource.⁵¹² All financial and budgetary issues of the CTA are housed within a three-story building made up of 4,572 square feet. The Department of Finance is at a primary crossing point of the pedestrian stairs and the main roadway of the village, at the top of what is characterized on the survey as the Village Spine. Both the stairway and the roadway seem to bottleneck at the point of juncture. The Department of Finance is located at the most urban core of the village, surrounded by residential buildings and a busy community cafeteria (See **FIGURES 44** and **59**).

D.2.1.1.4. Department of Home, Department of Religion & Culture (Notation #50)

Categorized as a ‘Public Service’ resource, the semi-detached pair of three-story buildings housing both the Department of Home and the Department of Religion & Culture creates the south edge of the Village Square. Both departments were inaugurated on May 30, 1960, so as to counteract the worst of the impacts of the PRC’s newfound control over Tibet. Specifically, the

⁵¹¹ According to the official survey maps performed under the direction of the Central Tibetan Administration, the Café has been carved just *outside* the bounds of the CTA’s official district, but within the land owned by the CTA for development. This inclusion-exclusion relationship allows the Café greater freedom in providing hospitality services to the diversity of patrons frequenting the Village Square.

⁵¹² *Department of Finance*, CENTRAL TIBETAN ADMINISTRATION (2009) <<http://www.tibet.net/en/index.php?id=21>>.

Department of Religion & Culture is charged with the reviving, preserving, and promoting the Tibetan religious and cultural heritages as carried out in the exiled Tibetan community.⁵¹³

The Department of Home is responsible for all rehabilitation schemes for Tibetan exiles, including management of the 60 various settlements in India, Nepal and Bhutan.⁵¹⁴ This administrative capacity by the Department of Home is the most official and recognized function of the CTA, as the Government of India has empowered the Department of Home with full legitimate authority to manage the Tibetan population in all the settlements.⁵¹⁵ The combined Department of Home/Department of Religion & Culture is the largest on-site building at 14,357 square feet (See **FIGURES 44** and **64**).

D.2.1.1.5. Department of Health, Office of Planning & Election (Notation #45)

Categorized as a 'Public Service' resource, this building houses the Department of Health as well as the Offices of Planning & Election. Considering the dictates of these three agencies are provided in this single two story structure, the space provided by this building is quite small at 8,008 square feet. This long, skinny building is primarily a parking garage on the ground floor, whereas the departments are housed in a string of offices connected by an outdoor corridor facing the public square. The Department of Health was formed in December of 1981 to manage and finance various health care centers in the settlements servicing the Tibetan exile population.⁵¹⁶ In doing so, this agency oversees a comprehensive healthcare system for all the Tibetan exiles.⁵¹⁷ The Election Commission was established in May of 1990⁵¹⁸ in preparation for the first general democratic election of the XIth (Eleventh) Parliament. The election was successful and the XIth Parliament was installed in May of 1991 by direct vote of the registered Tibetan exile population.⁵¹⁹

The Office of Planning is an active arm of the Department of Home within the Administrative Division of the Executive Secretary.⁵²⁰ Within the Office of Planning resides the most recent land survey of the Gangchen Kyishong village. After literally days of friendly negotiation, a hand-copy of this survey was executed so as to produce accurate research models. The Planning and Project

⁵¹³ *The Department of Religion and Culture*, CENTRAL TIBETAN ADMINISTRATION (2009) <<http://www.tibet.net/en/index.php?id=19&rmenuid=9>>.

⁵¹⁴ *Id.*

⁵¹⁵ ROEMER, *supra* note 452, at 71.

⁵¹⁶ *Department of Health*, CENTRAL TIBETAN ADMINISTRATION (2003) <<http://www.tibet.net/en/index.php?id=25&rmenuid=12>>.

⁵¹⁷ *Id.*

⁵¹⁸ TIBET'S JOURNEY IN EXILE, *supra* note 480, at 92.

⁵¹⁹ *Election Commission*, CENTRAL TIBETAN ADMINISTRATION (2009) <<http://www.tibet.net/en/index.php?id=245>>.

⁵²⁰ *CTRC Organizations*, CENTRAL TIBETAN ADMINISTRATION (2009) <<http://tibetgov.net/org.html>>.

Development organization is set to the task of implementing the multitude of infrastructural development projects throughout all the CTA settlements of India, Nepal and Bhutan.⁵²¹ Such projects include the construction of community centers, solid waste management facilities, housing units, transportation infrastructure, and clean energy production plants that include solar, biogas and wind-based power units.⁵²²

The agents of the Office of Planning have done so well at providing a high quality infrastructure for Tibetans that the quality of the built environment has caused considerable envy with the local Indian population at host locations. As Roemer summarized in her own work regarding the circumstances:

[Quoting undisclosed CTA official] ‘Tibetan community enjoys a satisfactory infrastructure in terms of roads, toilet and drinking water facilities in comparison to surrounding Indian villages.’ ... But during the last decades, the economic dominance of the Tibetans and their favorable treatment by the GOI [Government of India] in terms of financial and material transfers has increasingly caused animosity and jealousy among the locals, which partly lead to disputes and even killings.⁵²³

While visiting McLeod Ganj and Gangchen Kyishong, our research team found this characterization to be true. As McLeod Ganj was quite comfortable for western standards, the Gangchen Kyishong village was significantly cleaner and well maintained as compared to nearly all other urban spaces we found during the entire trip in India (*See FIGURES 45 and 64*).

D.2.1.1.6. Department of Information and International Relations (Notation #24)

Categorized as a ‘Public Service’ resource, the building housing the Department of Information and International Relations [hereafter the “DIIR”] was inaugurated on April 4, 1988 and houses the CTA’s primary organ of official publications and international correspondence furthering the Tibetan cause.⁵²⁴ Having a direct lineage to the Chisee Khang (the Foreign Relations Office) of the Lhasa administration prior to PRC control of Tibet, the DIIR has experienced multiple agency iterations before finding this expanded and bolstered bureaucratic form.⁵²⁵ Officially housed in a four-story 15,008 square foot building, the DIIR is the second largest building in the Gangchen Kyishong village.

⁵²¹ *Planning & Development*, CENTRAL TIBETAN ADMINISTRATION (2009) <<http://tibetgov.net/planning.html>>.

⁵²² *Id.*

⁵²³ ROEMER, *supra* note 452, at 70.

⁵²⁴ *Department of Information and International Relations*, CENTRAL TIBETAN ADMINISTRATION (2009) <<http://www.tibet.net/en/index.php?id=24&rmenuid=11>>.

⁵²⁵ *Id.*

As one of the newer buildings in the village, the DIIR headquarters is detailed with a Tibetan-specific aesthetic style. Although the construction methods are typical of contemporary Indian design, the shape of the building is very unique as the building itself is decorated with iconic Tibetan window casings, eaves, and a specific color swath that matches that recorded in historic images of building from Tibet prior to 1959. On the fourth floor of the DIIR, there is a small headquarters for the non-governmental organization, the Tibetan Center for Human Rights & Democracy. Within the DIIR there are meeting spaces, offices, open work areas, printing machines, and adequate storage capacity for a small state publishing house (*See **FIGURES 46 and 58***).

D.2.1.1.7. Diskdong (Notation #29.2)

Categorized as a ‘Population & Housing’ resource, this two story, 964 square foot residential structure adheres to a steep hillside at the cross point of the main pedestrian corridor and the small roadway to main village square. This residential unit is adjacent to the Department of Finance and on the opposite corner from the Staff Mess Hall. While evaluating the Gangchen Kyishong village, it was found the portion of the stairway directly in front of this residential unit was constantly populated by monks, children, puppies and Tibetans dressed in business attire (*See **FIGURES 46 and 59***).

D.2.1.1.8. Gadhen Fhang Building - MP Quarters (Notation #9)

Categorized as a ‘Population & Housing’ resource, this two story, 5,560 square foot residential structure defines the northern, hill-top pedestrian entrance into the Gangchen Kyishong village (*See **FIGURE 54***).

D.2.1.1.9. Ganhong Monastery (Notation #16)

Categorized as a ‘Cultural’ resource, this two story monastery is surrounded by a series of storage sheds and the residential structure reserved for onsite staff. The Ganhong Monastery provides 6,418 square feet of space for religious activities (*See **FIGURE 55***).

D.2.1.1.10. Gompa (also “Chorten”) (Notation #0)

Categorized as a ‘Cultural’ resource, this single-story religious meditation structure is significant of Tibetan Buddhist design. This one has an area of 1,001 square feet reserved in the main square of the Gangchen Kyishong village. Noted on the survey maps as the “Gompa,” this large chorten acts as a primary indication of arrival into Little Lhasa. Prior to PRC dominance of Lhasa, large pass-through chortens provided city gateways, allowing travelers to reflect and meditate before crossing the threshold of the holy capital city (See **FIGURES 47** and **67**).⁵²⁶

D.2.1.1.11. Library of Tibetan Works and Archives⁵²⁷ (Notation #46)

Categorized as a ‘Public Service’ resource, the Library of Tibetan Works and Archives has been in existence since June 11, 1970. This building sits above the public square, is three stories tall and has 12,490 square feet of space. Although not directly on the city square, this building is a primary organ of the Tibetan village. When anyone on the research team asked for information regarding other buildings in Gangchen Kyishong, nearly every pedestrian pointed the team member towards this Library, seemingly confirming a suspicion that this was understood as the most important building in the village. While there, Tibetan pilgrims were constantly circling the library structure with their prayer wheels, beaded totems and spiritual devotions.

More significant than the sheer size of the Library are the construction methods exhibited in the design of this monumental structure. Whereas the DIIR employed cosmetic details to replicate native Tibetan construction techniques, this building has actually employed as best as possible the authentic native Tibetan building materials and forms. Dr. Kunchok Tsundue, the Chief Planning Officer of the Planning Commission, confirmed the attempt of the CTA to replicate Tibetan-native building techniques in the realization of the Library on the CTA grounds. As Dr. Tsundue discussed the climatic design and solar orientation of most indigenous Tibetan buildings with the research team, he referred repeatedly to the Library as evidence of the sturdy construction methods employed by vernacular Tibetan buildings, designed so as to last generations in their local communities (See **FIGURES 47** and **64**).

⁵²⁶ TIBET’S JOURNEY IN EXILE, *supra* note 480, at 15. See also RICHARDSON, *supra* note 483, at 52 - 53.

⁵²⁷ According to the official survey maps performed under the direction of the Central Tibetan Administration, the Library of Tibetan Works and Archives lies just *outside* the bounds of the CTA’s official district, but within the land owned by the Central Tibetan Administration for development. Just east of the Library there is an established residential district that is not a part of the CTA but resides on the CTA’s landholding. See **FIGURE 91**.

D.2.1.1.12. Nechung Monastery⁵²⁸ (Notation #57)

Categorized as a ‘Cultural’ resource, this two story monastery lies on the descent of a steep hill behind the Tibetan Parliament-in-Exile. The Nechung Monastery provides 10,016 square feet of space for religious and monastic activities. Of special importance for the Nechung Monastery’s placement in the Gangchen Kyishong village is the institution’s historical significance as the seat of Tibet’s State Oracle. Under the reign of the Vth Dalai Lama Lobsang Gyatso, the Nechung Monastery was ordained with the duties of full spiritual guidance as to the temporal (political) practices of the Tibetan administration. This tradition followed the Nechung Monastery to Gangchen Kyishong as the original monastery in Lhasa was destroyed during the PRC’s Cultural Revolution. “Nechung” means “small place” in the Tibetan language.⁵²⁹ Therefore, in spite of the cultural designation of this urban development, historically, the monastery has had a clear duty in the executive administration of the Tibetan nation (See **FIGURES 48** and **66**).

D.2.1.1.13. Office of Education Department (Notation #58)

Categorized as a ‘Public Service’ resource, this is an additional building within the village that houses the duties of the Department of Education. This, along with the Department of Education building (Notation #36), were founded as one of the earliest CTA agencies in 1961. The adjunct building adds another 4,565 square feet of space for the Department of Education’s purposes in the instruction of Tibetan children, both those living in exile and those sent to India by families still living in Tibet (See **FIGURE 66**).

D.2.1.1.14. Office of Exile History Compilation Section (Notation #39)

Categorized as a ‘Public Service’ resource, this is one of the few buildings in the village that appears to predate the arrival of the CTA in Dharamsala. Unlike all other public buildings of the village, this building is characterized by large shed roof surfaces made of both painted tin and black slate materials. The exterior walls are composed of rough-cut limestone blocks held together with extruded mortared joints. This building is a single story structure with 4,197 square feet of space (See **FIGURES 48** and **61**).

⁵²⁸ According to the official survey maps performed under the direction of the Central Tibetan Administration, the body of the Nechung Monastery lies just *outside* the bounds of the CTA’s official district, but within the land owned by the Central Tibetan Administration for development. Here, according to the survey maps, the gates into the monastery are within the CTA’s District bounds, but the religious structure has been established within an ambiguous zone outside the CTA District but within the property lines of the CTA’s holdings.

⁵²⁹ *History of Nechung*, NECHUNG MONASTERY (June 2009) <<http://www.nechung.org/monastery.shtml>>.

D.2.1.1.15. Private Buildings & Houses (Notation #43, 47, 55)

Categorized as ‘Population & Housing’ resources, these residential buildings are leased by the CTA to provide additional housing space within the Gangchen Kyishong village. These buildings are each one story tall, and make up a total of 3,284 square feet of living and storage space (See **FIGURES 62** and **65**).

D.2.1.1.16. Retaining Walls

Categorized as ‘Geology & Soils’ resources, the Gangchen Kyishong village is largely defined within the spaces created by its complex multitude of retaining walls. As the elevation drops 235 feet in a shallow depth of 770 feet from the north to south, these structural walls create the level spaces necessary for the CTA’s built environment. At nearly 3,000 linear feet of retaining walls zigzagging down the hillside, these site-based resources are imperative in the safe design of the CTA’s urban-architectural form as this region is prone to earthquakes and landslides (See **FIGURES 48** and **101**).

D.2.1.1.17. Roadways

Categorized as ‘Transportation & Traffic’ resources, the village has a very limited roadway system considering the intensity of development on the greater 11.5 acre site, 9.7 acres of which is utilized for the CTA’s specific purposes. Used primarily for two functions, the roadways connect first to the village square to shuttle visitors, dignitaries and guests. As a secondary purpose, the roadways connect to the aggregate DIIR loading docks so as to pick up and drop off publication materials as necessary. The roadways cover 35,134 square feet of the surface area in the Gangchen Kyishong village (See **FIGURE 107**).

D.2.1.1.18. Sambhota Tibetan School at Gangkyi (Notation #56)

Categorized as a ‘Public Service’ resource, this early school complex was inaugurated in 1975. Established as the Sambhota Tibetan School at Gangkyi, this school is specifically administered as a primary school for the children of on-site CTA staff.⁵³⁰ The Sambhota Tibetan School is a three building, three story complex providing 11,155 square feet of instructional space (See **FIGURE 66**).

⁵³⁰ Dorjee Tsering & Jamyang Wangyal, *Sambhota Tibetan School, Gangkyi, Dharamsala*, CENTRAL TIBETAN ADMINISTRATION (July 2010) <<http://sherig.org/schools/stsSchools/stsGangkyi.htm>>.

D.2.1.1.19. Sheds (Notation #10, 15, 17-19, 49)

Categorized as ‘Land Use Planning’ resources, there exist on-site a series of storage sheds on the village grounds. All the storage sheds are single story structures, usually open on one side, and materialize as 1,065 square feet of the built environment (See **FIGURES 54-55, 67 and 103**).

D.2.1.1.20. Staff Mess Hall (Notation #29)

Categorized as a ‘Public Service’ resource, at preordained times of the day, this building is literally bustling with organized activity. For lunch, an orderly line can be witnessed that extends up the hillside roadway down to the Kalsang Khung Staff Quarters Building. This building is a three story structure with 10,569 square feet of floor space (See **FIGURES 49 and 59**).

D.2.1.1.21. Staff Quarters (Notation # 6, 7, 11-14, 21-23, 25, 27, 29.3, 30-33, 38, 40, 41, 48, 52)

Categorized as ‘Population & Housing’ resources, the 21 residential structures that are generically managed as staff quarters amount to 86,948 square feet of domestic space, ranging from single story to four story buildings. Each dormitory has an average spatial footprint of 4,140 square feet and average just over 2 stories tall. This space created for residential uses includes the following tenement blocks: Monkyi Khang, Dekyi Khang, Delek Khang, Denghen Khang, Kalsang Khang Hut, Leomon Khang, Namsel Khang, Neo Khang, Pendyi Khang, Phalber Khang, Phalgyl Khang, Phuntsok Khang, Rabtan Khang, Sonam Khang, Songtsen, Sunny Hostel, and the Tashi Khang. These buildings make up 40% of the total inventory of buildings while accounting for exactly 1/3 of the total square footage built in the village (See **FIGURES 49, 92, 96, 97 and 104**).

D.2.1.1.22. Staircases

Categorized as ‘Transportation & Traffic’ resources, there are 4,726 square feet of staircases built in the village to traverse the steep decline of the hillside. The majority of the outdoor staircase system runs like a zipper down the center of the village. This north-south axis of pedestrian circulation labeled the “Village Spine,” built primarily alongside and over the primary water drainage corridor of the greater village (See **FIGURES 43-44, 46, 48, 50, 92, and 107**).

D.2.1.1.23. Store (Notation #20)

Categorized as an ‘Economic-Commercial’ resource, this general store is roughly centered amongst a circle of residential dormitories on the north, upper hillside of the village. This one-story, 828 square foot general store is accessed only by foot and accommodates staff residents in close proximity (*See* **FIGURE 56**).

D.2.1.1.24. Tibetan Parliament-in-Exile (Notation #51)

Categorized as a ‘Public Services’ resource, the Tibetan Parliament-in-Exile had its beginning on September 2, 1960, as a non-democratic Commission of Tibetan People’s Deputies. After a series of constitutional iterations and name changes, the exiled-ministerial body became a secular and direct democratic institution in 2006. This unassuming building is a three-story structure providing 14,688 square feet of administrative and assembly space. The building is the third largest building on the site, only 320 square feet smaller than the second largest building, the DIIR headquarters. From the main entrance, this building appears to be only two stories as the third story is a large basement accessed downhill in the rear of the building. Other than its sign on the front of the building, the Tibetan Parliament-in-Exile appears to be a normal, well-kept structure typical of Northern India (*See* **FIGURES 49, 65 and 94**).

D.2.1.1.25. Tibetan Supreme Justice Commission (Notation #42)

Categorized as a ‘Public Services’ resource, the Tibetan Supreme Justice Commission was established on March 11, 1992. Although all criminal cases involving Tibetan exiles are prosecuted according to the court systems of local Indian, Nepalese or Bhutanese authority, civil disputes between Tibetan exiles in the settlements are under the jurisdiction of this Tibetan judicial system headed by the Supreme Justice Commission. More importantly, this judicial body affords Tibetan exiles the opportunity to sue the CTA institution itself in case of inappropriate administration of Tibetan affairs. This building is the largest building of the village, towering four stories and providing 21,532 square feet of legal and administrative space. This building also houses the Kashag (the TGiE’s version of an executive cabinet) since the appointed body’s reinstatement under democratic reformation in September 2001. The main entrance to the Tibetan Supreme Justice Commission faces the southeast direction, as the entrance to the Kashag is on the southwest face of the large building (*See* **FIGURES 50, 63, 95 and 97**).

D.2.1.1.26. Tin Shed Garage (Notation # 26)

Categorized as a ‘Transportation & Traffic’ resource, unlike the Sheds described above, this storage shed is specifically used as a car-park on the village grounds. This small garage is one story tall and has an area of 696 square feet (*See* **FIGURE 57**).

D.2.1.1.27. Toilets (Notation #5 & 8)

Categorized as ‘Utilities & Service Systems’ resources, the two toilet facilities are single story structures that cover an area of 421 square feet. Most toilets, showers and wash basins are bunched in small outbuildings throughout the village. Usually, these toilet outbuildings have a covered walkway or are close enough to residential structures to be accessible in heavy rains (*See* **FIGURE 92**).

D.2.1.1.28. Utilities (Notation #35 & 37)

Categorized as ‘Utilities & Service Systems’ resources, these two utility boxes appear to be closed transformer units relaying power into the Gangchen Kyishong village. These boxes are a single story each, and in total are 340 square feet (*See* **FIGURE 108**).

D.2.1.1.29. Voice of Tibet Radio (Notation #28)

Categorized as a ‘Public Services’ resource, the Voice of Tibet Radio station was established on March 14, 1996. This building is a two-story, “L” shaped structure that navigates down a steep hillside. Providing 2,156 square feet of built area, the Voice of Tibet Radio neighbors the DIIR, acting as a secondary audio arm of Tibet-centric information and encouraging favorable international relations. Broadcasts are made in both the Tibetan language and Mandarin Chinese (*See* **FIGURES 50, 58 and 96**).

D.2.1.1.30. Water-Channels

Categorized as ‘Hydrology & Water’ resources, the steep decline and frequent, heavy rains of this region of Northern India require an advanced system of water channeling and infrastructure. In the small village of Gangchen Kyishong, there are 2,453 square feet of concrete water channels. Many of these water channels are integrated into the various stair systems and retaining walls that frequent the hillside village (*See* **FIGURES 50 and 102**).

D.2.1.2. Gangchen Kyishong as Urban-Architectural Form

The Gangchen Kyishong village just south of McLeod Ganj has been literally developed from the ground up by Tibetan refugees seeking sanctuary from perceived Chinese oppression. After crossing out of Tibet, these refugees look to the CTA for rehabilitation and resettlement. In accommodating this necessity, the CTA enjoys the official authority granted by the Government of India to empower the refugees fleeing Chinese control, recasting each expatriate's personal narrative as one of exiled Tibetan nationalism. A built expression of both authority and refugee transformation, Gangchen Kyishong physically manifests a cultural-political proclamation of minority self-help against the erosive power of Central Asian globalization.

The Dalai Lama reestablished the CTA in McLeod Ganj in 1960 based upon the strong suggestion and land grant made by the Government of India. At the time of relocation, only a skeletal administration existed for CTA duties which were carried out by a group of refugee Tibetans who moved into cleared parcels of forest on the steep hillside. Upon arrival, the new headquarters consisted of the Dalai Lama's residence in a local ashram, supported by personnel who lived in a tent city of Tibetans.⁵³¹ Today, official duties have moved south from the now over-crowded McLeod Ganj into the Gangchen Kyishong village. The village nicknamed "Little Lhasa" by locals, hosts 260,465 square feet of constructed space on a 9.7 acre campus. This gated, official district has been specifically designed, executed and inhabited exclusively by Tibetans to advance the clear objectives of the CTA. The tightly organized village has been surveyed and planned for continued development, annually adding more administrative, residential and cultural capacity in furtherance of the communal objectives of the Tibetan exiles who reside there.

D.2.1.3. Collective Expression of the Built Environment

The built environment of Gangchen Kyishong is significant in its expressive value of a communal alternative to the PRC-centric societal norm for globalized development in Tibet. Here, the marginalized population has unified under the Dalai Lama in a vision of a better future. This vision has morphed over the decades, but throughout, an imperative to embrace the unique features of the Tibetan community has been central to execute self-defined methods of cultural innovation as a reflex against PRC-based forms of modernization that been found marginalizing.

⁵³¹ An abundance of photos of the conditions of the early Tibetan refugees is housed at the local Kangra Art Museum in lower Dharamsala.

To marginalize is “to exclude or ignore, especially by regulating to the outer edge of a group or by diverting the public’s attention to something else.”⁵³² Since approximately 1949, the PRC has marginalized the Lama- and Buddhist-based paradigm of traditional authority over Tibet. Those religious or politically invested in this ousted form of Tibetan community structure have had to find refuge outside their homeland if they wish to continue their personal commitment to such practices. Today the CTA has developed a capacity to categorize the current Tibetan refugees fleeing PRC dominance, even in those cases that such flight is a short-term pilgrimage. As such, the CTA divides this body of committed Tibetans seeking refuge into six different types. These types include (1) political prisoners, (2) monks and nuns, (3) young children, (4) youth, (5) pilgrims, and (6) family seekers.⁵³³ Not all are permanent refugees from Tibet, as the (5) pilgrims and (6) family seekers usually travel the course of exile to either seek religious ends or family meetings, then return to Tibet immediately after receiving a blessing from the Dalai Lama.⁵³⁴

Today, a long-term peaceful vision of Tibet has been symbolically codified in Little Lhasa. As this administrative district has largely been built upon the good will of the Dalai Lama, today it robustly executes a constitutional authority even as the Dalai Lama has now retired from political activity.⁵³⁵ As the religious and political figurehead has discontinued his binding leadership of the large population of Tibetan exiles, this expression is truly collective as it acts with democratic fiat,⁵³⁶ operates on a voluntary fund-raising apparatus,⁵³⁷ and continues in furtherance of the welfare of the whole body of Tibetan exiles living abroad.⁵³⁸

Specifically, the design and execution of Gangchen Kyishong has materialized as a grouping of three major functions for the “government-in-exile.” First, there is the obvious administrative capacity built for the twin CTA goals: (1) the prosperous resettlement of Tibetan refugees and (2) regaining autonomy for native Tibetans under PRC authority.⁵³⁹ Categorized as ‘Public Services’, the administrative function of the CTA substantiates the majority of constructed space at 50.4% of the total built environment. This 131,150 square foot impression includes the Tibetan

⁵³² WEBSTER’S NEW WORLD DICTIONARY, *supra* note 165, at 827.

⁵³³ ROEMER, *supra* note 452, at 60.

⁵³⁴ *Id.*

⁵³⁵ Yardley & Wong, *supra* note 474.

⁵³⁶ *Background*, *supra* note 459. This publication explains that after the Tiananmen Square protests in Beijing, the CTA overhauled its leadership selection structure so as to authorize full democratization for Tibetan exiles.

⁵³⁷ *China: The “Green Book” issued to Tibetans*, *supra* note 463.

⁵³⁸ Roemer discusses these welfare improvements throughout her treatise. The infrastructure for the Tibetan settlements in India, Nepal and Bhutan are of such a quality that they are the envy of their local neighbors. For more, *see* ROEMER, *supra* note 452, at 70. Education was of the utmost interest of the Dalai Lama in establishing the CTA in 1959. Today, education for Tibetan refugees is of a high quality and quantity, so much so that Tibetans living in PRC-controlled Tibet send their children to exile primary schools so as to allow their children to enjoy a high-quality, Tibetan-based metrication. For more, *see id.* at 78 - 81.

⁵³⁹ HESS, *supra* note 465, at 36 - 37.

Parliament-in-Exile, Tibetan Supreme Justice Commission, Voice of Tibet Radio, Department of Education, Department of Finance, Department of Home, Department of Religion & Culture, Department of Health, Office of Planning & Election, DIIR, Staff Mess, Library of Tibetan Works & Archives, Office of Education Department, Office of Exile History Compilation Section, and the Sambhota Tibetan School of Gangkyi.

Second, another major function of the Gangchen Kyishong is its housing capacity for CTA staffers and their families. Categorized as ‘Population & Housing’, the on-site housing function for CTA administrators makes up 37% of the total built environment. This 96,582 square foot allocation of residential housing, primarily in a dormitory style of domestic space, includes the multitude of staff quarters including the Dekyi Khang, Delek Khang, Delek Khang, Denghen Khang, Denghen Khang, Kalsang Khang Hut, Leomon Khang, Namsel Khang, Neo Khang, Pendyi Khang, Phalber Khang, Phalgyal Khang, Phuntsok Khang, Rabtan Khang, Sonam Khang, Songtsen, Sunny Hostel, Tashi Khang, Gadhen Fhang Building, Diskdong, and the Monkyl Khang.

The third major function of Gangchen Kyishong is its on-site capacity to support the cultural heritage of the Tibetans in exile. Although it is possible to see this function as a sub-task of resettlement efforts, in actuality, the robust development of Tibetan cultural practices is an imperative all its own.⁵⁴⁰ Further, as cultural artifacts and practices are seen as the most threatened aspect of Tibetan life under PRC control, monasteries were immediately established in exile by the monks and nuns who fled to India along with the Dalai Lama in 1959.⁵⁴¹ The Namgyal Monastery, which includes the Dalai Lama’s residence and is the main religious temple, is located in downtown McLeod Ganj.⁵⁴² Other Tibetan Buddhist temples, cultural institutions and the popular Tibet Museum are as well located in McLeod Ganj. McLeod Ganj hosts the majority of the 10,470 exiled Tibetans living in Dharamsala who are not working at the CTA. McLeod Ganj provides the primary face for non-Tibetan tourists, Indian merchants, and is a rehabilitation sponge for Tibetan pilgrims entering Dharamsala after traveling from Tibet in flight, many arriving by foot.

⁵⁴⁰ TIBET’S JOURNEY IN EXILE, *supra* note 480, at 71 – 87. The imperative to preserve the Tibetan culture against early PRC practices on the Tibetan plateau is discussed at length in nearly all research materials.

⁵⁴¹ Even prior to the Dalai Lama’s exodus into India, monasteries and existing communities throughout Assam and in Darjeeling that had seasonal Tibetan residents became cache points for Tibetan cultural artifacts as well as newfound permanent homes for the Tibetans who had the means to flee Tibet prior to the 1959 uprising. *See generally* ROEMER, *supra* note 452, at 67 – 70.

⁵⁴² *Hess* at 32-33.

Behind the scenes, the Gangchen Kyishong village supports the public, highly trafficked outlets for Tibetan cultural interaction in McLeod Ganj, as well as the network of cultural institutions throughout the countries hosting Tibetan exiles. Buildings that serve this supportive purpose include the Department of Education, Office of Exile History Compilation Section, Library of Tibetan Works & Archives, and the Department of Religion & Culture. Beyond this supporting function for the Tibetan heritage, three major 'Cultural' resources have been built onsite in the village. These include the chorten at the center of the village's administrative square, the Nechung Monastery and the Ganhong Monastery. These buildings that directly relate to the cultural heritage of the Tibetan exiles substantiate 6.6% of the built environment, providing 17,137 square feet of the village's total built environment.

Gangchen Kyishong is a quiet village filled with professionals dressed according to their station; men wearing collared shirts with neckties, women in long-sleeve blouses with long Tibetan-specific apron skirts. Like many business and governmental districts in the Western world, the city has a pulse that activates at 8:00 AM as everyone arrives to work, bustles from noon until 1:00 PM for lunch, and at 4:00 PM empties as everyone leaves their work station. The Tibetan Library is the centerpiece for outsiders as Tibet-centric courses and volunteering opportunities are hosted there throughout the year.

As outright Tibetan nationalists, this exiled population lives as a marginalized community scattered well beyond their homeland. These committed individuals have been forced to modernize their pre-industrial society in the hopes of securing the survival of their unique cultural heritage. Expressing in combination their own marginalization, modernization and self-help efforts as a community, these exiled Tibetan nationalists have built Gangchen Kyishong as an administrative district to further their collective desire. Again speaking to the collective nature of this village, funding for the development of this village is largely provided by the voluntary taxes paid by exiled Tibetans. Most refugee Tibetans are accounted for upon reaching either Kathmandu or Dharamsala, then rehabilitated and resettled based on the efforts undertaken in the administrative spaces of the Gangchen Kyishong village. Perhaps most significantly, all those exiled Tibetans participating in their own self-defined democracy, elect representatives that govern and act on their behalf from the buildings set in mortar and stone on this steep hillside in Northern India. Gangchen Kyishong, a village built to empower the disenfranchised Tibetan exile, has at its core convincingly expressed the will of a collective population in the built environment.

D.2.1.4. Singular Linguistic Form in Reterritorialization

Unique to the urban-architectural form is its emphasis on a ‘singularity’ in linguistic expression. This unique attribute is a functional one, as each urban-architectural form is executed in furtherance of specific goals by a clear communal actor in reaction to a perceived nuisance suffered by that actor. A singular linguistic form is thereby a product of the selected path to counteract such a nuisance, either by reverting to a pre-development condition (vernacular), to develop under contemporary rationality (vehicular), to redevelop in such a way that references culture or the senses (referential), or finally, to redevelop so as to attempt a link between the place and communal spirituality (mythic).

In Gangchen Kyishong, the three major functions of administration, housing and cultural maintenance account for 94% of the built environment in the village. Although these different functions are usually executed with different linguistic forms in normal architectural design, in Gangchen Kyishong, all three have almost exclusively been expressed using a vehicular linguistic form of the built language. After passing through the entry gate of the Gangchen Kyishong village, the built environment’s primary communicative impetus is resoundingly one of official administration throughout the 9.7 acre district regardless of the actual use of each individual building.

Primarily only administrative buildings line the single hillside roadway through the village. As a pedestrian, without close examination, it can be difficult to recognize the difference between administrative and residential uses of each building, in spite of the fact that it is typical in practice to design each use according to a different linguistic form. Here, all residential buildings have been built in the same vehicular manner as the administrative buildings, acting as staff dormitories for on-campus workers rather than conveying any sense of neighborhood design. In other words, residential uses have been created as an addition of living spaces in furtherance of the governmental uses primary to the district’s function and final form. Throughout, most all the buildings have been created in a normal, contemporary North Indian construction, a technique typified as the ‘point-slab’ construction that primarily uses steel reinforced concrete construction (See **FIGURES 86** and **91**). Here, construction methodology relies on a grid of concrete columns holding up equally spaced concrete slabs, culminating in the manifestation of multi-storied “universal fit” structures. In Gangchen Kyishong, most buildings do not have interior water-closets or running water expected of Western-style development. Instead, multiple bathrooms, sinks and showers are provided at select corners or within structural thresholds adjacent to each building.

This ministerial district has been built in a vehicular linguistic form employing a two-tier hierarchy of the built environment. First, the CTA's agency buildings are of paramount importance not only in allocation of built space, but also in terms of the attention to detail provided in construction. Second, all other buildings not provided directly for an administrative purpose simply serve in a supportive function to the CTA's purposes. A clear exception to this vehicular designation for the built environment of the Gangchen Kyishong village is the CTA's chorten located at the very center of the governmental district.

The Chorten is a cultural icon of traditional Tibetan Buddhism, built and maintained in the historically accurate design method (See **FIGURES 47, 51, 67, 92**).⁵⁴³ Here, this colorful devotional building evidences the long history enjoyed by native Tibetans whereby politics and religion were unified under the former "Lama" system.⁵⁴⁴ Today, as the CTA's democratic political system has become decoupled from the Dalai Lama's purview and its monastic heritage, the chorten is *the* cultural signifier of the Tibetan nature of the village, allowing visitors an obvious acknowledgement of their arrival at this particularly Tibetan place. This signification of "Tibetan-ness" is important in the Gangchen Kyishong as roughly a thousand pilgrims and refugees travel across the Asian continent to the CTA for resettlement, health services and assistance in their continued pilgrimage per year.⁵⁴⁵ Perhaps more importantly, this cultural icon of the built environment gives meaning to the resident exiles as they have devoted so much of their lives to working, building and carrying on a form of Tibetan nationalism abroad in foreign countries. As chortens like the one at the center of the Gangchen Kyishong have greeted visitors upon entry into Lhasa prior to the PRC's dominance of Tibet, this chorten at the center of the CTA's political village signifies to visitors and residents alike they have found sanctuary in India's Little Lhasa.⁵⁴⁶

Another important point about the singular linguistic form of the Gangchen Kyishong village is its relativity amongst the other villages of the greater Dharamsala area. As a visitor arrives in the CTA's district, one immediately realizes the change in the built environment. In the CTA, most of the buildings are painted from a similar color scheme, built with a similar language of construction, and appear to be of the same construction era in spite of the half century of development in the village. But, immediately outside of the CTA's built parameters, the urban

⁵⁴³ *Buddhist Art and Architecture*, BUDDHA DHARMA EDUCATION ASSOCIATION (2011) <<http://www.buddhanet.net/stupa.htm>>.

⁵⁴⁴ ROEMER, *supra* note 452, at 19. See also RICHARDSON, *supra* note 483, at 18 - 27.

⁵⁴⁵ *India: Information on Tibetan Refugees and Settlements*, UNITED STATES BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES (May 30, 2003) <<http://www.unhcr.org/refworld/docid/3f51f90821.html>>.

⁵⁴⁶ See RICHARDSON, *supra* note 483, at 53, Figure (b). Here the large Western gateway chorten is shown as a pass through for all visitors to Lhasa. See also TIBET'S JOURNEY IN EXILE, *supra* note 480, at 15. Here another chorten is shown as a gateway for herders walking into the city.

environment is defined by a dramatically different mashing of linguistic forms, a literal cacophony of construction types that has an immediate visual impact on the viewer (See **FIGURES 88** and **91**).

To assert that downtown Dharamsala, and likewise McLeod Ganj have a diverse palette of construction styles is an understatement. Within a single block of downtown McLeod Ganj, a visitor can experience anything from a dilapidated shack, a contemporary multi-story commercial structure, a fully functioning Tibetan Buddhist temple, to a hill-top home overlooking the area-wide bucolic Kangra Valley. As one travels contemporary India, the CTA district itself is a welcome aesthetic respite of order and planned development. This experienced *order* is primarily the product of the singular linguistic form undertaken by the Tibetan exiles in realizing their administrative headquarters.

D.2.2. Remedy with the Minor Expression

When one reviews the literature concerning contemporary Tibet, writers defending the actions of the PRC maintain two major points about the Chinese government's control over Tibet. First, that the Chinese have maintained control over Tibetan through history.⁵⁴⁷ Second, regardless of the truth of any historical precedence of full control over Tibet, the PRC has made a disproportionately high monetary and infrastructural investment in contemporary Tibet, an investment that has resulted in a vastly improved status for ethnic Tibetans.⁵⁴⁸ The PRC documents these improvements with statistically significant decreases in infant mortality rates, a dramatic population increase in ethnic Tibetans, and an overall healthier economic environment for both the new immigrant Chinese and native Tibetans living in Tibet.⁵⁴⁹

In spite of this, according to most Western and Tibetan sources, the Chinese authorities continue to conduct their affairs in Tibet as a foreign power maintaining dominance over the territory. Using a combination of force, Chinese-driven economic development, and an active resettlement of the region with ethnically pro-Chinese Han immigrants, even today there exists a measure of international apprehension as to the methods the PRC is employing in its control over Tibet.⁵⁵⁰ Regardless of the origins of the PRC's control over the Tibet, be it an uninterrupted lineage of control over the region or manifest destiny sought with the rising power of the Communist Party

⁵⁴⁷ TIBET'S JOURNEY IN EXILE, *supra* note 480, at 17.

⁵⁴⁸ Karan, *supra* note 487, at 8-10. *See also* Hao, *supra* note 487, at 16-18.

⁵⁴⁹ Hao, *supra* note 487, at 16 - 18. *See also* Lobsang Sangay, *China in Tibet: Forty Years of Liberation or Occupation?*, HARVARD ASIA QUARTERLY, at 5-6 (April 2011).

⁵⁵⁰ *Id.* at 12. *See also* Sangay's *China in Tibet*, *supra* note 549, at 6. *See also* Karan, *supra* note 487, at 13.

of 1949, the methods of the PRC's dominance are a clear product of contemporary globalization. Not unlike the actions of the Jewish people in Israel, the Russians in Central Asia, or 19th century colonization of North America; the PRC is undertaking a major project of global modernization that includes Tibet and the native Tibetans that live there.⁵⁵¹

As a beginning to the Tibetan story of exile, after witnessing the PRC-driven “project of modernization” first hand, those Tibetans (including the Dalai Lama) still invested in pre-modern forms of their own culture fled Chinese change south across the Himalayans.⁵⁵² Although initially headquartered in Mussoorie, this collective of exiles relocated their headquarters at the behest of the Government of India to a ruined British hill-station north of Dharamsala. This place of relocation, although at first billed as a temporary home to the fleeing Tibetan administration, has now become a permanent home and symbol for disenfranchised Tibetans. Not only symbolizing their losses, this now global “place” symbolizes their nationalistic ambition and actionable intention to realize a Tibetan nation, autonomous from PRC rule.

The headquarters itself is simple, easily demarcated on a land survey, entered through a traditional gate, and defined by the contemporary construction techniques of a modern, busy government outpost. As the discussed before, the gate into Gangchen Kyishong reads CENTRAL TIBETAN SECRETARIAT GANGCHEN KYISHONG. The sole purpose of this small campus in the hills of Northern India is to administrate an alleviation of the suffering experienced by Tibetans due to the ethnic, infrastructural and cultural changes to their homeland. Specifically, this process of alleviation undertaken by the CTA is an ongoing counter-modernization of the PRC's form of rational development in Tibet.

Once PRC leadership ousted the Lhasa administration, the India-backed CTA provided a viable venue for the exiled Lhasa administration to reconnect to Tibetans and actively represent their interests from abroad. As the PRC enforced a Sino-centric education system on Tibetan minorities, the CTA countered by providing high-quality Tibetan-centric primary and secondary

⁵⁵¹ Lobsang Sangay, *Tibet: Exiles' Journey*, 14 JOURNAL OF DEMOCRACY 3, 121 (July 2003). See also D.E. Orenstein, L. Jaing & S.P. Hamburg, *An elephant in the planning room: Political demography and its influence on sustainable land-use in drylands*, 75 JOURNAL OF ARID ENVIRONMENTS, 596 - 597, 606 - 607 (2011). Quoting MACHIAVELLI's THE PRINCE”, this article discusses the impacts of an uncoordinated demographic and environmental policies introduced by both developed and third-world nations.

⁵⁵² Hao, *supra* note 487, at 24. Hao discusses briefly the substantial migration of Tibetans after the 1959 crackdown. Further, he discusses the demographic impacts of social chaos that were substantial at the time of the PRC's introduction of greater development policies for Tibet.

education available to all Tibetan children, exiled or continued residents of Tibet.⁵⁵³ In fact, today it is not uncommon for native Tibetan parents living in Tibet to send their children to the Central Tibetan School Administration [hereafter “CTSA”] administered jointly by the CTA and the Government of India. Six of these CTSA schools provide boarding services for up to 1,700 students specifically in furtherance of this purpose.⁵⁵⁴

With the Cultural Revolution, PRC leadership undertook an extensive attack on the “Four Olds” that were viewed as roadblocks to Central Asian modernization from the late 1960s to the mid-1970s. Suffering directly under such a policy were the artifacts and custodians of the native cultural heritage in the Chinese territories under PRC dominance, including hundreds of monasteries of Tibetan Buddhism that were targeted due to their loyal followership and rich religious practice.⁵⁵⁵

As a counter-modernizing reaction to the PRC’s revolutionary program, the CTA spearheaded the logistical apparatus to create the space and employ the personnel to reconstitute the Tibetan Buddhist practice and provide cultural sanctuary for the diversity of sects that have developed since the first Tibetan monastery was established in 779 A.D.⁵⁵⁶ The CTA encouraged Tibetan practice, arranged for the construction of a multitude of Tibetan Buddhist Monasteries, and more importantly, actively preserved the rich cultural heritage native to their home region by encouraging a continued practiced in ancient techniques.⁵⁵⁷ Most important for this study, as the PRC politically alienated native Tibetans in their homeland, the CTA counter-modernized by indoctrinating increasingly democratic forms of self-government never before experienced by Tibetans in their history.⁵⁵⁸ Over the decades and under the political leadership of the XIVth Dalai Lama, the CTA has become a minority counter-weight to the enormous power of the Chinese state, constantly advocating for the equitable treatment of native Tibetans as their

⁵⁵³ Sangay’s *China in Tibet*, *supra* note 549, at 4-5. Evidence of the success of the Central Tibetan Schools Administration’s efforts are outlined in the THE TIBET POST’s discussion of demographic survey results. Since the CTSA has undertaken the task of administering education to Tibetan refugees, literacy rates have dramatically increased. As recent as 2009, a survey of the Tibetan exiles found a literacy rate of 79.4%, up 10.1% since the last survey in 1998. *See Latest Report on Second Tibetan Demographic Survey Released*, THE TIBET POST (December 4, 2010) <<http://www.thetibetpost.com/en/news/exile/1289-latest-report-on-qsecond-tibetan-demographic-surveyq-released>>. *See also* HESS, *supra* note 465, at 54 – 55.

⁵⁵⁴ *Central Tibetan Schools Administration*, CENTRAL TIBETAN ADMINISTRATION (July 2010) <<http://www.sherig.org/schools/CTSA.htm>>.

⁵⁵⁵ *Id.* at 3. *See also* HESS, *supra* note 465, at 65 – 68.

⁵⁵⁶ *The Department of Religion & Culture*, *supra* note 513. *See also* RICHARDSON, *supra* note 483, at 31. Here, Richardson outlines how Tibet – then a powerful kingdom – abandoned its theocratic ties with China and adopted Indian religious teachings in Buddhist doctrine. After years of internal deliberations, the first Tibetan monastery for Buddhist study was established in Samye’ in 779 A.D.

⁵⁵⁷ *Id.*

⁵⁵⁸ *Background*, *supra* note 459. *See also* Sangay’s *Tibet: Exiles’ Journey*, *supra* note 551, at 124 – 125. Here, Sangay discusses how as the PRC pushed further against democratic reform in China, evidenced most dramatically in the Tiananmen Square protests of 1989, the Dalai Lama led the Tibetan Government-in-Exile in the direction of direct democracy for Tibetan refugees.

homeland undergoes dramatic environmental change and injustice as to the distribution of relative developmental exploits.

To be more direct, the “Tibetan Secretariat” as housed in the Gangchen Kyishong village is an agency completely under the control of exiled Tibetans. This urban-architectural form has been built and maintained as a platform to project the claim exiles propagate that Tibetans have the right *and proven capacity* to control their own affairs and future. This expressed right of self-determination motivates the Tibetan refugees, drawing them into Dharamsala to cooperatively modernize their cultural forms and execute their exiled democratic government. The TGiE, although only “binding” on 127,935 Tibetans living abroad⁵⁵⁹ - a mere 2% of the total ethnic Tibetans in the world⁵⁶⁰ - is an operational, evolving experiment of proposed Tibetan nationalism. This ‘Tibetan Nation,’ an entity that is by all official accounts an established fiction, is nonetheless a *truthful* expression of minority “national” status manifest within the retaining walls and hillside structures of the CTA. Due to and in spite of the enormous nuisance experienced by Tibetans in their homeland, the CTA *is* the Tibetan Government-in-Exile for those that have fled Tibet searching for a future void of the oppression the exiles perceive from Chinese dominance over their homeland. The TGiE is for exiled Tibetans the only express, real property “minority” remedy against the ongoing inequity experienced under the PRC’s program of global-scale modernization impacting the Tibetan territory.

D.2.2.1. Employment of Rhizomatic Process in Urban Development

In order to evaluate the process by which urban development was undertaken, a historical view of the exile community must first be established. At the time the PRC took definitive control over the Chinese nation, the newly inaugurated XIVth Dalai Lama was only 14 years old. Found by an expedition in 1938 on the far eastern edge of Tibet in the Amdo,⁵⁶¹ the boy anointed as a living divinity would by 1950 hold complete political authority over Tibet.⁵⁶² Generally known to have a great interest in scientific discovery, the XIVth Dalai Lama has been served well with his curiosity as his entire life has been spent negotiating the modernization of his native culture in his hopes of saving it.

⁵⁵⁹ *Latest Report, supra* note 553.

⁵⁶⁰ This 2% figure is based on the most recent census data of the Population Statistics Department published by the Chinese Statistical Press. The Chinese census found 5,543,956 Tibetans living in the Chinese nation in 2000.

⁵⁶¹ RICHARDSON, *supra* note 483, at 150.

⁵⁶² *Id.* at 187.

As today we can enjoy the benefits of hindsight, it is apparent that after 52 years leading his Tibetan exile constituency, the Dalai Lama has successfully practiced a tightrope act of maintaining the traditional function of his religious post all the while advancing a secular process of representative administration for the TGIE. As of March of 2011, the Dalai Lama has retired his political leadership to a burgeoning democracy in exile. As the Dalai Lama has performed as the “primary architect of Tibetan exile discourse,”⁵⁶³ his actions have not prescribed any sort of pre-conceived notion of appropriate (arborist) modernization. An “appropriate modernization” would be considered tracing in Deleuzian vocabulary, where preconceived expectations are sought by carrying out a prescribed course of rational development. Instead, in review of the Dalai Lama’s course since exile, a mapped pattern of selective rationalization is apparent, as every innovation has been taken in furtherance of preserving an essential “Tibetan-ness” for the exiled community’s newfound global audience.⁵⁶⁴ Here, instead of wholly accepting the dictates of rational modernization, the Dalai Lama as political-religious leader, has endorsed a rhizomatic process to realize a contemporaneous form of Tibetan nationalism set apart from the heritage of its religious foundation. Again, Deleuze and Guattari illuminate the meaning of a rhizomatic process in the following manner:

The rhizome is altogether different, a *map and not a tracing*. ... What distinguishes the map from the tracing is that it is entirely oriented toward an experimentation in contact with the real. ... It can be drawn on a wall, conceived as a work of art, constructed as a political action or as a meditation. Perhaps one of the most important characteristics of the rhizome is that it always has multiple entryways...⁵⁶⁵

This most important characteristic of the rhizome - multiple entryways - has been an imperative attribute to the Dalai Lama and his exiled administration as practiced at the CTA in Gangchen Kyishong. Prior to ouster by the PRC, the old Lhasa administration largely relied on traditional Tibetan techniques in negotiating the future to be taken by their political body. After having failed in that traditional course, the old Lhasa administration found in exile they were largely open to *any* course that would restore their political legitimacy without destroying their cultural values. Therefore, the Dalai Lama has led this Deleuzian mapping of political action, experimenting with each available form of modernization “in contact with the real” to map a fitting *Tibetan-rational* course to the desired “Tibetan Nation.”

Perhaps alarming to many, the first approach taken by the Dalai Lama on this course to Tibetan rationalization was the active aping of communist techniques practiced by the PRC in control of

⁵⁶³ HESS, *supra* note 465, at 53.

⁵⁶⁴ *Id.* at 49.

⁵⁶⁵ DELEUZE & GUATTARI’S A THOUSAND PLATEAUS, *supra* note 22, at 12.

Tibet. Prior to his exodus, in 1951 the XIVth Dalai Lama was already indoctrinating progressive land reforms based on the legitimate critiques waged by PRC's propagandists in Tibet. Taking cues from the proletarian movement, the Dalai Lama mandated a system by which large absentee landowners and monasteries would receive proper compensation for the purchase of their property, after which the Tibetan state would undertake a redistribution of land holdings in graduated proportion to the existing working land owners and peasants.⁵⁶⁶ Due to resistance by these absentee landowners, as well as the ever-increasing presence of Chinese occupiers, this proletarian-inspired system of redistribution was never fully executed before the 1959 uprising in Lhasa.⁵⁶⁷

After the uprising and flight of the old Lhasa administration, the retooling of Chinese Communist methods did not cease in terms of defining the actions of the newly formed TGIE. As the now exiled Lhasa administration had only experience with either the Tibetan and Chinese forms of governance, they continued to develop their "modernized" governance as per the political reforms advocated by the PRC's iteration of Chinese Communism.⁵⁶⁸ This trend was also fueled by Western influences in Dharamsala, as many hippies who visited the exiled Tibetans praised the PRC's methods as innovative and ideologically taunt.⁵⁶⁹ Even as recent as 1991, in speeches held in the former Soviet Union and Mongolia the Dalai Lama highlighted similarities between Buddhism and Communism, praising many of the achievements of the proletarian system.⁵⁷⁰

It was not until 1969 that the course of Tibetan exile politics shifted to democratic reforms. Introduced from the top-down by the Dalai Lama himself, organizational restructuring in favor of representative delegation was unanimously agreed upon after nearly a decade of internal TGIE lobbying.⁵⁷¹ The Dalai Lama himself outlined to his CTA detractors that such a secular, Western democratic system would prove more stable and crisis-resistant.⁵⁷² In contrast to the Communist, or even traditional Tibetan forms, democratic initiatives do not require a revolution by the masses. So as to convince detractors, the Dalai Lama expressed the concern that revolutions that have their source in bottom-up fundamental change can prove to create culturally disturbing results.⁵⁷³ Instead, democratic forms allow for the political elite to

⁵⁶⁶ RICHARDSON, *supra* note 483, at 192.

⁵⁶⁷ *Id.* at 193.

⁵⁶⁸ ROEMER, *supra* note 452, at 89.

⁵⁶⁹ *Id.*

⁵⁷⁰ *Id.*

⁵⁷¹ *Id.* at 91.

⁵⁷² *Id.* at 90.

⁵⁷³ *Id.*

introduce appropriate changes from the top-down, allowing for the masses to buy-in with their electoral powers.⁵⁷⁴

Another major rhizomatic turn in the structural makeup of the TGiE has been the eventual retirement of the Dalai Lama as a political institution. Although the Dalai Lama has said for many years that the Tibetan political process must eventually be reformed to greatly limit the leadership capacity of the Dalai Lama, a top-down movement to decouple the Dalai Lama from direct leadership of the TGiE was advanced after Dr. Lobsang Sangay published his research regarding the effective, even if unintended, monopoly of power by the Dalai Lama's family over the administration of the TGiE and CTA. Between 1991 and 2001, Dr. Sangay revealed in his academic research that every cabinet since the first democratic election has included at least one minister from the Dalai Lama's own family.⁵⁷⁵

Perhaps heeding to the talents of other Tibetans in exile, the XIVth Dalai Lama has now willingly given up his political authority to one of his strongest internal critics in the newly elected Kalon Tripa Dr. Sangay. It is perhaps misguided to focus on the Dalai Lama as a political leader monopolizing an elitist-power structure in spite of the facial truth of such statements in terms of the origins of the TGiE's foundation. Since Dr. Sangay's critiques, as well as others from within and without, the TGiE has continued to become just that: an exiled government continually advancing on an imperative to legitimately represent Tibetans per their geographic origins, sex, and most importantly, their nuanced solidarity in the Tibetan movement.

As the XIVth Dalai Lama was invested with the unthinkable task of leading the most potentially threatening minority against the PRC,⁵⁷⁶ his eventual reliance on non-violent, Western-based democratic techniques allowed his administration a practical course to cautiously direct the Tibetan exiles onto a global stage.⁵⁷⁷ As the Dalai Lama is now widely understood as an articulator of "Buddhist Modernism," using his native Tibetan community as reference the Dalai

⁵⁷⁴ *Id.* at 91. It should be noted that the democratic adoption of the *Middle-Way* policy was indoctrinated in just this manner. The Dalai Lama unilaterally proposed the *Middle-Way* policy in 1987 in his address to the U.S. Congressional Human Rights Caucus, and after a strong resistance by the Tibetans in exile, the *Middle-Way* policy was submitted by the Dalai Lama as a referendum in 1995. *Id.* at 83. At that point, the *Middle-Way* policy was democratically adopted by over 66% of the voting electorate. *Id.* at 85. Today, as Lobsang Sangay acts as the newly-elected Kalon Tripa, Sangay has openly supported the *Middle-Way* policy due to its basis in a democratic authorization by the Tibetans-in-Exile.

⁵⁷⁵ *Id.*

⁵⁷⁶ Hao, *supra* note 487, at 12. Hao outlines how as the PRC has liberalized its national policies towards minorities, relations with the Tibetan minority in China actually escalated. This escalation led to the first instance of widespread martial law in the TAR. *See also* Sangay's *China in Tibet*, *supra* note 549, at 7-8. Here, Sangay discusses the continued potential for large violent reaction to the continued PRC's unilateral control over the Tibetan ethnic group.

⁵⁷⁷ HESS, *supra* note 465, at 62.

Lama portrays how Buddhism has an overall positive cultural orientation from which a global audience can greatly benefit in emulation:

I tell audiences a few reasons why they should support Tibet... Tibetan culture, Buddhist culture, creates a certain way of life, based on peaceful relations with fellow human being, peaceful relations with nature, and peaceful relations with animals. I think that kind of culture is necessary, useful, for the world at large. Such a cultural heritage, which can help millions of people, in now facing extinction.⁵⁷⁸

As the Dalai Lama has openly prepared for his own death, he has taken great effort to reorient the CTA away from the “Old Lhasa”⁵⁷⁹ administration into a new position of globally recognized democratic legitimacy. Today, as most of the old Lhasa administration officials have either retired or died, a new body of political elite has arrived that better represents the whole Tibetan population.⁵⁸⁰ This new body of political representatives has their power based in democratic authorization, educational aptitude, patriotism, and most importantly, the hard work required to act in administrative leadership.⁵⁸¹ This new body of political activists call Dharamsala home as they conduct their administrative affairs from the Gangchen Kyishong village. In the following section, an outline of the broad rhizomatic arc of action taken by the XIVth Dalai Lama as he has led the Tibetan exiles from the old “Lama” system to the TGiE’s contemporary form of Tibetan democracy is illuminated. Here, each broad movement of Tibetan rationalization is explained as it was carried out, practiced and represented on the grounds of the TGiE’s headquarters.

As the TGiE has undertaken a major movement of cultural and political reform, in explaining this process, it is helpful to reference **FIGURE 79**. Since his exodus in 1959, the Dalai Lama has led a multifaceted approach to realizing Tibetan autonomy since the PRC secured control over Tibet. In furtherance of this grand objective, a five-prong political strategy has emerged to counter-modernize against the nuisances of the PRC’s development of Tibet.

Generally, the five tactics follow closely with the historic development of the Tibetan exile community’s capacity to convey their interests to a global audience. The first tactic employed was a direct appeal to the United Nations and the broader at-large international community. The second tactic, which is still ongoing and potentially fruitful, is direct negotiations with the PRC’s

⁵⁷⁸ *Id.*

⁵⁷⁹ ROEMER, *supra* note 452, at 91. Roemer discusses and quotes at length the process by which the exiled holdover political system from the former Tibetan administration faced a slow attrition as many attempted to disintegrate the democratic changes introduced by the Dalai Lama. As resignations became frequent, many of the “old” political elite unwilling to effectively represent the whole of Tibetan electorate were forced to either migrate or retire in India.

⁵⁸⁰ *Id.*

⁵⁸¹ *Id.*

leadership. The third tactic, which has been a reactionary result of the expansive actions of the PRC, is the development of settlements that are primarily located in the neighboring countries of India, Nepal and Bhutan and administered by the CTA. A fourth tactic, which has found measured success, has been the establishment of the TGiE, an organization with growing political recognition in the international community. Finally, the most recent tactic taken by the Tibetan exile community is an established network of non-governmental organizations.

D.2.2.1.1. Tactic 1: Appeal to the United Nations

On October 7, 1950, Chinese troops attacked East Tibet.⁵⁸² Specifically, the PLA launched their first military battles in Chamdo, a city where the majority of the Tibet's small military was stationed so as to defend the nation against eastern threats.⁵⁸³ The Tibetan military was ill-prepared and largely untrained, finding their defenses quickly overwhelmed and split by the superior Chinese military.⁵⁸⁴ On November 7, 1950, the Lhasa administration appealed to the United Nations, immediately calling for a non-violent form of negotiation with the PRC.⁵⁸⁵ As reliable information seemed difficult to decipher by the international community, upon this very first appeal for help from the United Nations, only the Republic of El Salvador was willing to come to the aid the Lhasa administration against the PRC's military aggression.⁵⁸⁶ By the end of November 1950, the PLA were firmly established in East Tibet and advancing westerly towards central-Tibetan cities.⁵⁸⁷

In spite of the continued military aggression by the PLA in Tibet, the United Nations did not acknowledge these actions as force until the failed Tibetan uprising in Lhasa in March of 1959.⁵⁸⁸ After steady appeal by the Dalai Lama, the United Nations finally made their first decree as to the PRC's violent aggression on October 21, 1959.⁵⁸⁹ As discussed earlier, this resolution from the General Assembly outlines the "de facto independence" enjoyed by the Tibetans in their homeland.⁵⁹⁰ Unfortunately, this declaration of national status only came *after* that precious autonomy was lost, ultimately limiting the UN to performing a journalistic function rather than the diplomatic role envisioned for the international body.

⁵⁸² RICHARDSON, *supra* note 483, at 183.

⁵⁸³ *Id.*

⁵⁸⁴ *Id.*

⁵⁸⁵ *Id.* at 185.

⁵⁸⁶ *Id.* at 186.

⁵⁸⁷ *Id.* at 187.

⁵⁸⁸ G.A. Res. 1353, U.N. GAOR, 14th Sess. (1959).

⁵⁸⁹ *Id.*

⁵⁹⁰ *Id.*

As the PRC's dominance over Tibet solidified and a campaign of Chinese Communist tactics were employed to unify the western whole of Central Asia, two further resolutions were authored by the UN General Assembly chastising the draconian efforts of the PRC in securing ever tighter control over Tibet. These resolutions came in October 1961 and December of 1965. Each of the subsequent resolutions outlines charges against the Chinese administration for causing the "large-scale exodus of Tibetan refugees" as well as an active "suppression of the distinctive cultural and religious life traditionally enjoyed" by the natives of Tibet.

By 1971, the PRC was restored on the UN Security Council with Resolution 2758, acknowledging in the language of the resolution legitimizing the prevailing dominance of the PRC over China. Written into the resolution itself is the evacuation of any recognized authority held by Chiang Kai-shek's (former) Nationalist Government of China.⁵⁹¹ With the PRC instatement to the Security Council as the official head of China, no further political opportunities were possible at the UN for the exiled Tibetan administration to officially protest against the PRC. In essence, this rhizomatic path ended in 1971.

D.2.2.1.2. Tactic 2: Direct Negotiation with the PRC

Immediately after the PRC victory over rival forces for China in 1949, the Lhasa Administration began a proactive negotiation with the new Beijing government with immediate correspondence.⁵⁹² By 1951, Tibetan delegations were meeting in Beijing in concerted efforts to demarcate national boundaries between Tibet and the PRC's growing territory. In 1954, at the invitation of Chairman Mao himself, the Dalai Lama spent a year in Beijing in direct negotiations with the PRC, only to eventually find a compromise was politically impossible (*See* **FIGURE 42**).⁵⁹³ After this failure of direct diplomatic resolution, the Tibetan administration waged a small-scale guerrilla war against the PRC until the XIVth Dalai Lama's ouster in 1959 (*See* **FIGURES 42**).

In spite of the PRC's geographic victory over Tibet, the "Tibet Problem" has not gone away with military and political control. The native resistance to accept the PRC's communist paradigm has continually plagued efforts to maintain security over the Tibetan territory. Although it can be argued the Tibetans themselves have been afforded greater liberties in recent decades in terms of cultural freedom, native Tibetans continue to rebel against Chinese control. This has

⁵⁹¹ G.A. Res. 2758, U.N. GAOR, 26th Sess. (1971).

⁵⁹² TIBET'S JOURNEY IN EXILE, *supra* note 480, at 17.

⁵⁹³ *Id.* at 20.

forced the PRC to tighten its grip over the large area with bouts of marshal law, reduced connection to the outside world, and at times, a draconian legal hold over the territory for the sake of broader security in the nation.⁵⁹⁴

Also, this has led the Chinese to continue diplomatic negotiations with the Dalai Lama and his exiled government in Dharamsala so as to alleviate both domestic and international pressures. After negotiation, the TGiE was afforded three fact-finding missions throughout the Tibetan Autonomous Region [hereafter “TAR”] commencing in the years 1979 and 1980 (See **FIGURE 81**).⁵⁹⁵ By 1987, based on perhaps empty assurances by Chinese diplomats, the Dalai Lama proposed a “Middle-Way” Peace plan. The Middle-Way plan openly advocates the PRC maintain ultimate control over security of the native Tibetan territory while allowing a democratically elected Tibetan administration to hold provincial autonomy over the provinces of the east, including the TAR and portions of the Qinghai and Sichuan provinces.⁵⁹⁶ Although this proposition has not been accepted by any Chinese authority, it has been democratically authorized as the “official” diplomatic course by the TGiE.

As China was liberalizing economic policy in the late-1980’s, democratic demonstrations relatively increased, leading eventually to the Tiananmen Square Protests of 1989. After these protests, the PRC tightened its control over the Chinese dissent rather than acknowledging the issues raised by such demonstration. This reactive response by the PRC essentially made direct diplomatic relations between the TGiE and the PRC impossible after 1993, as all negotiation between the two bodies was terminated.⁵⁹⁷

Economic and limited cultural liberalization was once again on the rise in the early 2000’s, presumably in part due to the successful handover of Hong Kong in 1997. In Hong Kong, the “one country, two systems” model as administrated by the PRC has found great success in maintaining the essence of Hong Kong’s cultural and economic autonomy all the while fully participating as an organ of the greater Chinese state. Perhaps this success, as well as the upcoming 2008 Olympic Games to be held in Beijing led to new diplomatic negotiations between the TGiE and the PRC.⁵⁹⁸

⁵⁹⁴ Hao, *supra* note 487, at 12. See also Sangay’s *China in Tibet*, *supra* note 549, at 7.

⁵⁹⁵ TIBET’S JOURNEY IN EXILE, *supra* note 480, at 118.

⁵⁹⁶ *Id.* at 118 - 119. See also *The Middle-Way Approach*, *supra* note 468.

⁵⁹⁷ *Id.* at 118 - 121. See also Sangay’s *Tibet: Exiles’ Journey*, *supra* note 551, at 123.

⁵⁹⁸ *Id.* at 118.

On September 9, 2002, China hosted a four-member Tibetan delegation in Beijing so as to establish a procedure for regular face-to-face meetings on a perpetual basis, presumably until the “Tibet Problem” has finally been solved.⁵⁹⁹ As a result, the Dalai Lama personally endorsed the 2008 Olympics in Beijing, and negotiations continue to this day between the TGIE and the PRC. Although this diplomatic process has literally carried on for more than six decades, in the end, it may prove to be the most fruitful method for resolving the political quagmire gripping the Tibetan plateau in its constant state of pending unrest.

D.2.2.1.3. Tactic 3: Development of Exiled Settlements

As illustrated in the three ‘Question of Tibet’ UN General Assembly resolutions, there was and is a continued flight of native Tibetans into neighboring India, Nepal and Bhutan. In fact, this exodus began in the early 1950s as Tibetan aristocrats and Eastern Tibetans fled into Sikkim, Darjeeling and West Bengal. Already accustomed to Tibetan visitors, these foreign destinations taken up by refugees were communities continuously utilized by aristocratic Tibetans to educate their children in Western disciplines.⁶⁰⁰ This early trickle, although symbolic, was nominal in comparison to the 85,000 refugees who followed the Dalai Lama out of Lhasa between 1959 and 1962.⁶⁰¹

According to a 2009 census of the exiled Tibetans, there are 127,935 ethnic Tibetans living in roughly 30 countries outside China.⁶⁰² The majority of these Tibetans live in the 58 formal settlements distributed throughout India, Nepal and Bhutan.⁶⁰³ As earlier refugee facilities were organized by the Tibetan Welfare Association prior to 1959, a formalized settlement process supported by the international community was found imperative and officially began with the XIVth Dalai Lama’s safe evacuation out of Tibet into Northern India. These settlements were organized under an independent agency in 1960 dignified as the Central Tibetan Relief Committee [hereafter “CTRC”].⁶⁰⁴

⁵⁹⁹ *Id.* at 118 - 119.

⁶⁰⁰ ROEMER, *supra* note 452, at 59.

⁶⁰¹ *Id.* at 59. This 85,000 number is an accepted accounting of the first major wave of refugees following the Dalai Lama established by the CTA. Chinese demographers estimate a greater number in the early years of Tibetan exile, asserting that more like 90,000 migrated in the first two years after the Lhasa crackdown. See Hao, *supra* note 487, at 24.

⁶⁰² Phurba Thinley, *Planning Commission releases report on Tibetan demographic survey*, PHAYUL.COM (Dec. 2010), <<http://www.phayul.com/news/article.aspx?id=28666>>.

⁶⁰³ *Central Tibetan Relief Committee*, CENTRAL TIBETAN ADMINISTRATION (2009) <<http://tibetgov.net/settlements.html>>.

⁶⁰⁴ *(History of the) Central Tibetan Relief Committee*, CENTRAL TIBETAN ADMINISTRATION (2009) <<http://tibetgov.net/ctrc.html>>.

In March 1959, after the PLA's crackdown on the Lhasa uprising, organizers established four already existing refugee camps as semi-permanent settlements for Tibetan exiles. All settlements were located at logical pedestrian exit points from Tibet, three of which were in India and the fourth in Nepal (*See* **FIGURE 42**). Historically, as Tibetan aristocrats and religious travelers frequented communities in Sikkim and West Bengal, two major settlements were established in Gangtok (Sikkim) and Darjeeling (West Bengal). As Gangtok is just north of Darjeeling, they create a tandem refugee way-station for this major entry point into India on the long pilgrimage from Lhasa.

The other major Indio-Tibetan evacuation point for refugees is through the Kashmir region at the corners of Pakistan, India and Tibet. Just on the south edge of the Indian border in Himachal Pradesh, the Dalhousie settlement in Chamba was established with an initial rush of 2,500 monks, lay men and women refugees. Today, this settlement has approximately 1,438 exiles and has established a handicraft center, a primary school and medical center.⁶⁰⁵

The fourth settlement established in 1959 is approximately 129 miles west of Kathmandu, Nepal, in Pokhara. Kathmandu was then and is still today a major entry point for Tibetan refugees. In 1960, a second settlement was established in Nepal and was located in Kathmandu. Today, there are four settlements in Pokhara, two of which were originally established as rehabilitation settlements for the defeated Mustang Guerrilla Force who fought the PLA after 1959.⁶⁰⁶ Although Nepal hosted nearly 20% of the refugees in the first decade of the Tibetan exodus, today the Nepalese settlements have dramatically diminished as Tibetan exiles have preferred to settle in India or abroad in Western countries. Today only 11% of Tibetan refugees live in Nepalese settlements.⁶⁰⁷

Not included in this list of official settlements is the original headquarters for the TGIE in Mussoorie, Uttarakhand, India. Mussoorie is a popular Indian resort community not far from New Delhi. Although it has ample capacity for temporary accommodation, the Government of India has been in its insistence that the location not become an established location for Tibetan refugee rehabilitation and resettlement.⁶⁰⁸ Although a semi-permanent settlement was never

⁶⁰⁵ *Tibetan Handicraft Center, Dalhousie, H.P.*, CENTRAL TIBETAN ADMINISTRATION (2009) <<http://tibetgov.net/india/settlements/two-dalhor.html>>.

⁶⁰⁶ *Paljorling Tibetan Handicraft Center, Pokhara*, CENTRAL TIBETAN ADMINISTRATION (2009) <<http://tibetgov.net/nepal/settlements/paljorling-np.html>>. *See also Jampaling Settlement, Helitar, Paljorling District*, CENTRAL TIBETAN ADMINISTRATION (2009) <<http://tibetgov.net/nepal/settlements/jampaling-np.html>>.

⁶⁰⁷ Phurbu, *supra* note 602.

⁶⁰⁸ *Industrial Units in Private & Public Sectors*, THE TIMES OF INDIA, 1 (Mar. 17, 1960). *See also Dalai Lama to Move in India*, NEW YORK TIMES (Mar. 17, 1960).

established in Mussoorie, the CTA does continue to administer a senior secondary school there that provides limited boarding facilities for the roughly 650 attending students.⁶⁰⁹

Each year after 1959, new settlements were established in India and Nepal to both redistribute the encamped Tibetans as well as to accommodate the constant stream of new refugees fleeing PRC-controlled Tibet. In 1965, the number of newly established settlements peaked in number when nine were opened in that year alone. Of these nine, two new settlements were established in Bhutan.⁶¹⁰ Also in 1965, the Government of India officially recognized the legal authority of the CTA in governing all the Tibetan settlements, a significant confirmation of the legitimacy of the CTA in administering Tibetan affairs in exile.⁶¹¹ Today, of the 58 formal settlements, 26 are agricultural, 20 are agro-industrial, and 12 are categorized as scattered settlements.⁶¹²

Dharamsala is categorized as one of the twelve scattered settlements. At present, the population within Dharamsala is recorded at 10,470 exiles as this settlement supports five schools, two health facilities, 15 monasteries and a nursing home for local elders. Most importantly, this settlement hosts the CTA, the administrative and political headquarters for all TGIE activities at Gangchen Kyishong.

As a political tactic all its own, this network of settlements provides an alternative method for redeeming “Tibetan-ness” without ever reclaiming the Tibetan territory itself. Based on the logic of cultural diaspora, these established settlements provide points to launch “a powerful narrative of connectedness without always resorting to the territoriality of nationalisms.”⁶¹³ Here, the settlements provide a physical “structure of feeling” for an increasingly hybrid, globalizing world.⁶¹⁴ Diaspora is defined as:

Diaspora, n. 1. a) the dispersion of the Jews after the Babylonian exile b) the Jews thus dispersed c) the places where they settled **n. 2.** any scattering of people with a common origin, background, beliefs, etc.⁶¹⁵

Diaspora involves a positive connotation originating in ancient history for the Greeks, meaning essentially “to sow over,” usually in the form of Greek colonization and migration throughout

⁶⁰⁹ *Central School for Tibetans, Mussoorie*, CENTRAL TIBETAN ADMINISTRATION (Jul. 2010) <<http://sherig.org/schools/cstSchools/cstMussoorie.htm>>.

⁶¹⁰ *Central Tibetan Relief Committee*, *supra* note 603.

⁶¹¹ ROEMER, *supra* note 452, at 71.

⁶¹² *Central Tibetan Relief Committee*, *supra* note 603.

⁶¹³ HESS, *supra* note 465, at 6.

⁶¹⁴ *Id.*

⁶¹⁵ WEBSTER'S NEW WORLD DICTIONARY, *supra* note 165, at 381.

Asia Minor and the Mediterranean in the Archaic period (800 – 600 B.C.).⁶¹⁶ The recently developing Tibetan iteration of diaspora originated as a “victim diaspora” based on early terms of Tibetan-ness in exile. Such terms and conditions were characterized by poverty, forced displacement and a perceived diminished opportunity in the Tibetan’s native territory.⁶¹⁷ In more recent decades, this “victim diaspora” has transitioned into an empowered and active global proclamation of cultural identity and authenticity. Although Tibetans may have originally left their homeland due to persecution and limited opportunities, they now endeavor in exile to both enrich their own lives via newfound Western opportunities and to eventually regain their lost homeland using the elevated political profile collectively gained with international exposure.⁶¹⁸

This method of diaspora empowerment is largely modeled on the contemporary Jewish narrative, one that is considered the prototypical diaspora.⁶¹⁹ In the mid-1990’s, the Dalai Lama hosted a small conference with a body of eight distinguished Jewish elites to consider this very tactic of Tibetan identity. Billed as a search for common spiritual ground, the meeting from the outset was held “to learn something of the arts of survival from a very old diaspora.”⁶²⁰

Here, using the settlements to dialectically ‘keep themselves apart’ and simultaneously ‘be kept apart,’ the Tibetans have employed a ‘technology of power’ embedded in the solidarity created by the purposeful establishment of homogenous settlements.⁶²¹ Networked together, the settlements provide new terms for the parameters of knowledge and dominant control. In essence, the early post-flight camps allow exiled Tibetans to reorder their own historical narrative by enabling a locus of creative subversion and transformation. Following the early steps of their Jewish model of diaspora consciousness, the settlements provide the necessary physical apparatus for Tibetans to potentially transform themselves from stateless refugees to citizens of a future powerful state.⁶²²

D.2.2.1.4. Tactic 4: Establishment of Tibetan Government-in-Exile

In spite of the fact the old Lhasa Administration followed the Dalai Lama across the Himalayas in 1959, the continued strength and legitimacy of the TGIE has primarily resulted from the Dalai

⁶¹⁶ HESS, *supra* note 465, at 4.

⁶¹⁷ *Id.* at 5.

⁶¹⁸ *Id.*

⁶¹⁹ *Id.*

⁶²⁰ Verlyn Klinkenborg, *Going to See The Lama*, NEW YORK TIMES, BR10 (Jul. 24, 1994).

⁶²¹ HESS, *supra* note 465, at 6-7.

⁶²² *Id.* at 7.

Lama's personal persistence to shed many of the dogmatic traditions of the old Lhasa regime. As the Dalai Lama and his evolving entourage have been self-learning as they perform political duties, the TGiE has cycled through a series of iterations prior to solidifying the structure of the representative body that exists today. To begin the cycle after exile, a strict traditional apparatus of Tibetan governance was formed. Then, over the first few decades, that governmental body was reshaped due to the influence by communist teachings. By the early 1980's, initial basic democratic forms were attempted.

In response to the 1989 Tiananmen Square Protests and subsequent PRC crackdown, the Dalai Lama and his followers pushed through a substantial democratic restructuring of the TGiE. These profound changes were implemented to maintain strict representative parameters, enforce political checking mechanisms, and to chart an evolutionary course that would realize an independent, secular TGiE. Important in this development process was the recognition that the "Tibet Problem" would most likely outlive the XIVth Dalai Lama, making necessary that direct democratic reforms could carry forward an established representative process for the selection of continued political leadership for the exiled Tibetan community in the decades to come.

The TGiE as a tactic has two long-term parallel goals. First is a semi-autonomous reclamation of the Tibetan territory in a continuation of the Chinese "one country, two systems" scenario.⁶²³ This possibility has gained increasing acceptance due to its legitimacy as a political system since the transfer of the city-state of Hong Kong from the status as a British colony to PRC control. Along with Tactic 2: Direct Negotiation with the PRC, the TGiE has enjoyed the opportunity to both exhibit its capacity to successfully govern as well as to communicate a proven capacity for international affairs in diplomatic delegation directly with the PRC (*See* **FIGURE 81**).

Second, the TGiE has a real practical goal of legitimately administering the Tibetan exile settlements to further Tibetan solidarity and cultural sustenance. Beyond the distant hope of developing a sophisticated diaspora as discussed under Tactic 3: Development of Exiled Settlements, the TGiE has an immediate obligation to maintain the robust bureaucracy necessary to sustain the unique Tibetan cultural and religious heritage, provide schools, redistribute

⁶²³ Hao, *supra* note 487, at 12. Hao discusses how the manner in which the PRC initially dealt with Tibet after control was secured was to indoctrinate a "one-country-two system," a policy that ultimately was unsuccessful and short-lived. *See also The Middle-Way Approach*, *supra* note 468. This TGiE document outlines the capacity of the PRC's constitution to enable a multi-national union within the Chinese Communist system of political governance, all the while allowing Tibet to self-govern within the PRC's greater authority. Ironical in this *Middle-Way* position presented by the TGiE is its likeness to the centuries of Sino-Tibetan co-existence outlined in RICHARDSON'S A SHORT HISTORY OF TIBET. Throughout his treatise, Richardson outlines the process by which Tibet was on-again and off-again under Chinese "suzerainty" for centuries, whereby intra-Tibetan affairs were managed by self-rule and international affairs were determined according to Chinese political objectives.

refugees, support existing planning endeavors, and maintain the single nationalist identity of the exiled Tibetan community.

In consideration of a return to Tibet by the exiled community, the official position of the TGiE is that the TGiE organization itself shall be disbanded as soon as it is possible for Tibetan exiles to return to their homeland without fear of oppression by the PRC.⁶²⁴ Although this policy position was logical in the first few decades of the Tibetan exodus, there exists today a newfound dynamic interdependent relationship between the Tibetan exiles and their host countries. This is especially true in India. As Tibetans have relocated to India and fastidiously adopted contemporary technology and commercial practices, they have enjoyed a dramatically improved standard of living, educational opportunities and personal liberty. Many exiles have openly expressed that their dream of a “Free Tibet” exists today living abroad.⁶²⁵

Further, the Indian economy has markedly benefited from the developments of the Tibetan exiles. Increased tourist activity (See **FIGURE 83**), a positive international reputation for having hosted the Tibetan refugees, and the funneling of foreign investment into India on behalf of the Tibetan cause (See **FIGURE 83**); these are all positive impacts the Tibetan’s presence in India have had on its economy, diplomacy, and legitimacy as the world’s most populous democratic nation.⁶²⁶ Even if at a future date the current Tibetan exiles have every right to return to a semi-autonomous Tibetan nation, it would not necessarily be in every Tibetan’s interest to do so. With the personal investment these Tibetans have made in their host countries, it is logical to believe they would not want to leave such marked improvements behind to begin again under a regime ultimately controlled by the PRC.

If the TGiE is found technically obsolete with major political change in Tibet, an administrative body will still be necessary to support the exiled school system, the remaining settlement infrastructure, and the cultural institutes that have developed abroad in roughly 30 nations. As many scholars have remarked, after a half-century of communist rule over the Tibetan territory, the traditions and cultural heritage of the Tibetan people has been wholly maintained, perhaps even advanced *outside* Tibet in these Central Asian settlements and the greater Western world. In other words, although technically unnecessary for political enunciation if Tibetan nationalist

⁶²⁴ *Introduction to Central Tibetan Administration* (Pamphlet), DEPARTMENT OF INFORMATION & INTERNATIONAL RELATIONS, 3 (2008).

⁶²⁵ Amy Yee, *Tibetans Find Freedom in Exile*, THE WALL STREET JOURNAL (Oct. 8, 2010).

⁶²⁶ ROEMER, *supra* note 452, at 69 - 71. Roemer also outlines the possibility that the Government of India enjoys the political buffer the CTA provides between the Government of India and the PRC, especially as it concerns issues of the Tibetan border.

interests are observed by the PRC, pragmatically a foreign Tibetan administration will continue to be necessary so as to continue the Tibetan-centric modernization project in perpetuity.

D.2.2.1.5. Tactic 5: Promotion of Tibetan Interest via Non-Governmental Organizations

Between 1954 and 1959, early Tibetan exiles established a non-governmental organization [hereafter “NGO”] the Tibetan Welfare Association [hereafter “TWA”] so as to lobby the international community, coordinate with USA military advisors, and support early refugees after their flight from Tibet.⁶²⁷ Due to an underlying class-based division between aristocratic and eastern nomadic Tibetans within the NGO, the TWA was structurally weak and ultimately disbanded just prior to the Dalai Lama’s own flight into exile.⁶²⁸

The TWA is not to be confused with the “Tibetan Welfare Office” regularly referred to as TWOs throughout the CTA’s descriptions of official Tibetan administrative activities. Today there are 11 TWO offices at major exit points out of the Tibet, each functioning as a local representative station established to look after “the health, education, cultural needs and all other matters relative to social welfare of the Tibetans in the area.”⁶²⁹ It is unclear as to the date of origination of these TWOs, but they have no contemporary relationship to the TWA that existed as an NGO prior to the establishment of the TGiE.

After the disbanding of the TWA, one could argue that the TGiE itself performed was an NGO until it was officially recognized as the administrative arm for the CTA. It was not until 1965 that the TGiE had administrative power as the official management body for the Tibetan settlements as so designated under the Government of India.⁶³⁰ As this Central Asian region was under a formative flux during the period of time from 1950 until 1971, it can be difficult to demarcate which ministry was a legitimate governmental organization, when, and for what territorial breadth of influence.

Recognizing the power of the NGO as an alternative method of fundraising and political pressure, after official duties vested in the TGiE, administrators endorsed the creation of a series of NGOs promoting Tibetan issues in the international community. Of the dozens that exist and execute the Tibetan cause, three maintain a significantly high Tibetan membership and are

⁶²⁷ *Id.* at 63.

⁶²⁸ *Id.*

⁶²⁹ *Tibetan Refugee Settlements in India*, CENTRAL TIBETAN ADMINISTRATION (2009) <<http://tibetgov.net/set-ind.html>>.

⁶³⁰ ROEMER, *supra* note 452, at 71.

closely coordinated with the objectives of the TGiE.⁶³¹ First, on October 7, 1970, the Tibetan Youth Congress [hereafter “TYC”] was formed in Dharamsala.⁶³² Fourteen years later, the Tibetan Women’s Association [hereafter “TWoA”] was reinstated from a previous unincorporated form to reflect the greater involvement of women and the Tibetan community’s greater sensitivity to women’s issues in their cause.⁶³³ Finally, a broader political organization was formed in 1996 as the Tibetan Center for Human Rights & Democracy [hereafter “TCHRD”].⁶³⁴

TCHRD. As it communicates the plight of the Tibetan cause to a greater global audience, one could argue the TCHRD has been most successful in furthering the aims of the TGiE. Having effectively framed for Western media outlets accusations of intense human rights violations committed by the Chinese against Tibetan political prisoners, this NGO has in the past been invited to provide expert witness testimony for hearings in the United States and Europe.⁶³⁵ The TCHRD is highly organized and resides on the top floor of the DIIR building within Gangchen Kyishong (*See* **FIGURE 95**), the only NGO within the small village district. From that location, this non-government advocacy institution circulates a monthly international newsletter,⁶³⁶ maintains a website and distributes press releases for the major news outlets.⁶³⁷

TWoA. The TWoA has a completely different aim in promoting the objectives of the TGiE. From the time of its unincorporated beginning in 1959, the TWoA has focused on more practical means to empower Tibetan exiles in their daily interaction with the greater world. TWoA organizers recognized early that agricultural production alone would not realize the financial sustenance necessary to support Tibetan refugees in the settlements.⁶³⁸ By focusing on the multitude of recent female refugees, the TWoA established a series of handicraft centers so as to instruct students on traditional Tibetan agro-industrial production (*See* **FIGURE 81**). As these centers proved economically profitable, the TWoA acquired independent administrative duties in managing and promoting the greater agro-industrial production economy for Tibetan exiles.⁶³⁹

⁶³¹ *Id.* at 107.

⁶³² *Origin: Tibetan Youth Congress*, *supra* note 467.

⁶³³ *About Us*, TIBETAN WOMEN’S ASSOCIATION (Jun. 18, 2011) <<http://www.tibetanwomen.org/about/>>.

⁶³⁴ *About TCHRD*, TIBETAN CENTRE FOR HUMAN RIGHTS AND DEMOCRACY (Jun. 18, 2011) <<http://www.tchrd.org/about/>>.

⁶³⁵ ROEMER, *supra* note 452, at 113.

⁶³⁶ *Human Rights Updates and Archives*, TIBETAN CENTRE FOR HUMAN RIGHTS AND DEMOCRACY (Jun. 18, 2011) <http://www.tchrd.org/publications/hr_updates/>.

⁶³⁷ *Press*, TIBETAN CENTRE FOR HUMAN RIGHTS AND DEMOCRACY (Jun. 18, 2011) <<http://www.tchrd.org/press/>>.

⁶³⁸ TIBET’S JOURNEY IN EXILE, *supra* note 480, at 41.

⁶³⁹ ROEMER, *supra* note 452, at 110. *See also About Us*, *supra* note 633.

Today, in part due to the impact of these handicraft centers, there are 20 agro-industry based settlements in India and Nepal.⁶⁴⁰

Although this organization began with an international objective in promoting native Tibetan women's rights in China, the TWoA has had a strong influence on the success of the Tibetan exile cause as it has evolved in recent decades.⁶⁴¹ First, the organization has afforded a reintroduced voice for the TGIE at the UN, a newfound position that began when TWoA delegates elaborated on instances of violence against women in China. Testimonies and TWoA representation began in the UN at the Conference on Women *in Beijing* in 1995.⁶⁴² This reintroduction to the UN via the TWoA has in fact 'feminized' the Tibetan exile struggle, a movement that in its early iterations was framed and limited by the international press as simply a struggle of religious freedom and political autonomy.⁶⁴³

More importantly, the empowerment of exiled Tibetan women has itself contemporized Tibetan culture, both in exile and at home. In pre-PRC Tibet, gender inequality was admittedly prevalent in traditional Tibetan culture.⁶⁴⁴ To the credit of the TGIE, since the 1984 reinstatement of the TWoA, such issues have been addressed directly by women to rectify this difficult arena of the Tibetan past, as well as to highlight the current circumstances of Tibetan women living in Tibet.

Concurrently with the international political objectives of the TWoA, this organization continues to maintain its social foundation. The organization continues to promote its handicraft centers, encouraging continued economic independence as the TWoA administers adult-educational programs for exiled Tibetan women.⁶⁴⁵ In this regard, the TWoA continues its long held pragmatic approach to realizing communal success for their membership.

TYC. Enjoying the highest membership of Tibetans, the TYC is the oldest and most radical NGO enjoying the blessing of the XIVth Dalai Lama.⁶⁴⁶ With over 30,000 members,⁶⁴⁷ the TYC has 81 branches in eleven different countries.⁶⁴⁸ In contrast to the official stance of the TGIE's "Middle-Way" peace plan, the TYC continues to advocate for complete Tibetan independence from PRC

⁶⁴⁰ *Central Tibetan Relief Committee*, *supra* note 603.

⁶⁴¹ ROEMER, *supra* note 452, at 111.

⁶⁴² *Id.*

⁶⁴³ *Id.*

⁶⁴⁴ *Id.*

⁶⁴⁵ *About Us*, *supra* note 633.

⁶⁴⁶ ROEMER, *supra* note 452, at 114.

⁶⁴⁷ *Origin: Tibetan Youth Congress*, *supra* note 467.

⁶⁴⁸ *Regional Branches of Tibetan Youth Congress*, TIBETAN YOUTH CONGRESS (Jun. 7, 2011) <http://www.tibetanyouthcongress.org/rtyc_archives.htm>.

dominance.⁶⁴⁹ Further, as the TGiE has maintained a long-held stance of only employing nonviolent means to Tibetan autonomy, the TYC continues the position that violence would be acceptable if it provided a successful route to complete Tibetan independence.⁶⁵⁰

In spite of such differences of tactical and political positions, the TYC observes a strict and unwavering allegiance to the Dalai Lama's wishes regarding such matters.⁶⁵¹ Building upon a long progression of active nonviolence, the TYC has mobilized extensive hunger strikes, organized a multitude of issue-based marches, and individual members have committed exhibitions of self-immolation on behalf of the Tibetan cause (See **FIGURES 81**).⁶⁵² Beyond these acts of protest, though, it could be argued the TYC has been best utilized as an organization to secularize the political apparatus of the Tibetan political movement pursued by those living in exile. In describing its own genesis, the TYC website reads the following:

The founding of TYC in 1970 came at a time when the first group of young Tibetans who had received a balanced modern and traditional education were graduating from schools and colleges. This strengthened the Tibetan people's struggle for independence and ensured its continuity.⁶⁵³

As most members of this new generation were educated in the schools administered under the joint guidance of the CTA and the Government of India, it follows that after a generation of non-monastic Western education, exile graduates would prefer a democratic, Tibetan-centric form of national representation. As the Dalai Lama has lived in exile since he was 24 years old, he too appears to prefer democratic, non-monastic forms of self-government as he has pressed the TGiE at the behest of the TYC towards such ends.⁶⁵⁴ Evidencing an early attempt at such a working democratic form for the TGiE, the Dalai Lama unilaterally orchestrated the first iteration of the Tibetan Parliament-in-Exile on September 2, 1960 (See **FIGURE 94**).⁶⁵⁵

This first iteration, called the Commission of Tibetan People's Deputies, garnered more infighting than it did representation.⁶⁵⁶ As the Commission of Tibetan People's Deputies was dissolved in May of 1990, it was replaced with a more democratized and effective form renamed

⁶⁴⁹ *Origin: Tibetan Youth Congress*, *supra* note 467.

⁶⁵⁰ ROEMER, *supra* note 452, at 114.

⁶⁵¹ *Id.* at 113 - 114.

⁶⁵² TIBET'S JOURNEY IN EXILE, *supra* note 480, at 117, 125-131. Recently, such self-sacrifice is on the rise with over 30 self-immolations since March 2011. See also Andy Wozniak & Gloria Riviera, *China Forbids International Tourism to Tibet Indefinitely*, ABC NEWS (Jun. 7, 2012) <<http://abcnews.go.com/blogs/headlines/2012/06/china-forbids-international-tourism-to-tibet-indefinitely/>>.

⁶⁵³ *Origin: Tibetan Youth Congress*, *supra* note 467.

⁶⁵⁴ Sangay's *Tibet: Exiles' Journey*, *supra* note 551, at 122 - 123.

⁶⁵⁵ *Background*, *supra* note 459.

⁶⁵⁶ Sangay's *Tibet: Exiles' Journey*, *supra* note 551, at 123.

the Assembly of Tibetan People's Deputies (See **FIGURE 94**).⁶⁵⁷ This form was even further democratized in 2006 with constitutional restructuring and reintroduced with its now commonly known, the Tibetan Parliament-in-Exile (See **FIGURE 94**).⁶⁵⁸ As much as the Dalai Lama has led the TGiE toward his evolving vision of a modernized Tibetan administration, the TYC has pulled the Dalai Lama into this ever-increasingly Western model of governance.⁶⁵⁹

There are two significant indications of the TYC's impact on the contemporary form of the TGiE. First, since 1982, the TYC has called for a "one person, one vote" solution to intra-Tibetan issues of appropriate values in suffrage.⁶⁶⁰ Although this suggestion was strongly opposed by many of the older generation of exiled Tibetans when it was introduced, by 1990, the "one person, one vote" protocol was instituted largely from the top-down as an equitable solution to issues of political strife between established monastic power and newly enfranchised secular political participants. Second, as the Dalai Lama has he himself proclaimed his retirement from TGiE politics, his first secular predecessor to act as the political head of the TGiE was one of those first generation TYC activists, Dr. Lobsang Sangay.

As discussed previously, Dr. Sangay had his primary and secondary education in the CTA's school system, attended university in Delhi, and received his doctoral education at Harvard University's School of Law in Boston, Massachusetts. Dr. Sangay's ascension from the status of refugee to exile to legal scholar, and now as Kolan Tripa is a serious testament to the power of the TYC in empowering its members. Further, this realized opportunity for upward political mobility is astounding, affirming the TGiE's efforts over the past half-century in preparing a second generation of global actors ready to perform on behalf of the Tibetan cause.

The TYC, TWoA and the TCHRD have all realized major improvements for Tibetan exiles. These remarkable advancements further the desire of the TGiE and are telling of this tactic's success as it concerns maintaining international solidarity for Tibetan nationalism. These NGO's have also been instrumental in the internal context of today's TGiE, mapping a form of governance that appreciates progressive politics, feminism, and Tibetan youth culture.

⁶⁵⁷ *Background, supra* note 459.

⁶⁵⁸ *Id.*

⁶⁵⁹ Sangay's *Tibet: Exiles' Journey, supra* note 551, at 124 - 126.

⁶⁶⁰ *Id.* at 124.

D.2.2.1.6. Rhizomatic Practice of Minor Development and Local Politics

Physically, on a regional scale of minority development, the TGiE's rhizomatic practice has created a map of developmental springs that are primarily located in India. In reviewing the literal map of both the Tibetan settlements (*See* **FIGURE 82**) and the network of Tibetan-centric schools (*See* **FIGURE 82**), although the settlements and schools are clustered together, the settlements themselves seem haphazardly dispersed throughout the Indian nation.

These two characteristic phenomena highlight both the wishes of the Tibetan exiles as well as their status as a minority collectively performing under the dictates of another dominant culture (India). First, as to the clustering of the Tibetan settlements with the Tibetan-centric schools, beyond the mere convenience of locating the schools near each locus of Tibetan exiles, this grouping of Tibetan exile services had a tactical motivation in terms of geographic design.

In the immediate years following His Holiness the Dalai Lama and the Tibetan refugees taking refuge in India, one of the more urgent needs was a long-term rehabilitation program that would serve to bring all the refugees into homogenous Tibetan communities large enough to allow them to perpetuate their language, traditions and thus preserve their national identity, and of course where they could secure food, shelter, medical care, education and a means of livelihood to develop economically self-supporting communities during their period in exile.⁶⁶¹

Although the Government of India did allow the Tibetan exiles to settle in homogenous groups, they did not allow them to uniformly occupy exceedingly large areas.

The Indians instead tried to scatter that Tibetans in different locations to discourage any unifying political activities. This strategy served the Indian interest with regard to avoiding a potential Chinese provocation but also it limited domestic quarrels: 'The widely separated locations were partly determined by the availability of land, but also in the interest of harmonious foreign relations and a smooth internal development.'⁶⁶²

As the CTA and Government of India created this international network of Tibetan ghettos, they perpetuated systemic minority solidarity and identity for the exiled population.⁶⁶³ Over the years, this dispersed non-assimilative resettlement has proven successful in preserving the

⁶⁶¹ ROEMER, *supra* note 452, at 68, directly quoting the CTA's own documentation from 1994.

⁶⁶² *Id.* at 69, directly quoting a 1985 quote from CTA authorities.

⁶⁶³ ROEMER, *supra* note 452, at 69.

Tibetan cultural heritage all the while minimizing inter-ethnic conflict between the dominant ethnic population (Indian) and the minor ethnic population (Tibetan).⁶⁶⁴

It should be emphasized that tensions between local Indian communities and the Tibetan settlements has not been universally harmonious. “Available” land was located by Indian authorities so as to encourage Tibetan settlement in areas that were largely abandoned or undeveloped, ready for an economic boost.⁶⁶⁵ There is a general assumption that India’s interest in hosting the Tibetan exiles was strongly linked to economic expectations; expectations that are largely understood to have now been fulfilled.⁶⁶⁶ The best case in point is the contemporary status of McLeod Ganj as a bustling tourist attraction (*See **FIGURE 83***).⁶⁶⁷ The increased interest from foreign pilgrims and travelers has enabled the redevelopment of an underused, decrepit hill station. Today, McLeod Ganj is an active, cosmopolitan multicultural community with satisfactory roads, widespread above-average toilet facilities, a clean water supply, and exceptional waste disposal systems.⁶⁶⁸ As compared to neighboring Indian villages, in general the Tibetan settlements have developed so well that they have garnered varying magnitudes of neighborly jealousy, even causing serious incidents of local Tibetan-Indian conflict.

In fact, in the mid-1990s, tensions between the local Dharamsala population and the Tibetan exiles exploded when a local Indian was stabbed by a Tibetan exile after an altercation.⁶⁶⁹ In retaliation, local Indians sacked, burned and looted a multitude of Tibetan merchants, rioting in the streets of McLeod Ganj.⁶⁷⁰ Immediately thereafter, the Dalai Lama publically made plans to relocate his headquarters to Bangalore so as to avoid further violence.⁶⁷¹ By June of 1994, tensions were cleared largely by the efforts of local Indian governors and the police force. After deliberations, the Dalai Lama was convinced the circumstances between the local Indian population and Tibetan exile community were again understood to be positively reciprocal.⁶⁷²

At about the same time as the Dharamsala riots, there existed a general feeling of animosity and jealousy by the local Indian population in terms of their Tibetan guests. As the Tibetans relatively increased revenues from business endeavors and international financial transfers, they imposed an emergent dominance over local economics in the general proximity of the

⁶⁶⁴ *Id.* at 69-70.

⁶⁶⁵ *Id.* at 69.

⁶⁶⁶ *Id.*

⁶⁶⁷ *Id.* at 69-70. *See also **FIGURE 83**.*

⁶⁶⁸ *Id.* at 70.

⁶⁶⁹ *Tempers still high in Dharamsala*, THE TIMES OF INDIA, 14 (May 3, 1994).

⁶⁷⁰ *Id.*

⁶⁷¹ Sabina Sehgal Saikia, *Dalai to make Bangalore HQ*, THE TIMES OF INDIA, 1 (May 8, 1994).

⁶⁷² *Dalai Lama to stay on in Dharamsala*, THE TIMES OF INDIA, 8 (Jun. 3, 1994).

settlements.⁶⁷³ In the mid-1990s, due to this settlement income disparity a rash of disputes throughout India erupted and at times, some even ended with further killings.⁶⁷⁴ After this rift was exposed, reconciliation was sought as both the local Indians and the Tibetan exiles adjusted their behavior so as to emphasize the importance of Indo-Tibetan relations.⁶⁷⁵

As most Tibetan exiles were first introduced to the concept of a cash economy upon their flight into India, it should come as no surprise that those that were successful found it initially necessary to flaunt their newfound status.⁶⁷⁶ To rectify this emergent dominant expression, local Indians and the exiled Tibetan communities developed a richer reciprocal interdependence in the relative economic benefits of the Tibetan settlements throughout India. Here, the exiled Tibetans represented a local minority block who has actively attempted to economically integrate with the local economically limited native Indians so as to equitably share the financial windfalls of Indio-Tibetan relations.⁶⁷⁷ Instead of further marginalizing the local disenfranchised, this openly integrated business environment was refreshingly evident to our research team upon our 2009 visit to McLeod Ganj and the Gangchen Kyishong (See **FIGURES 83** and **90**).

Thirty years prior to this spat of inter-community conflict, the CTA itself had an acute intra-community problem with political unity among the Tibetan exiles. Although Eastern Tibetans have been historically supportive of the XIVth Dalai Lama's political leadership, due to the fact that the Dalai Lama himself is a native of the Amdo province in the far eastern reaches of Tibet, they have openly opposed the continued political dominance of the old Lhasa administration representing greater Tibet in both inter- and intra-political realms.

Richardson writes in his *SHORT HISTORY OF TIBET* that in his own observations, the tribal Kokonor and Khampas groups were characteristically different than the 'peaceable' central Tibetans in that they were fierce and held a carefree bravery. He attributes these characteristics to the fact that for centuries, these tribes have waged long-standing, bitter and violent feuds with one another all the while defending the eastern-most border of Tibet against foreign aggressors.⁶⁷⁸ During the 1950 invasion by the PLA, the main attack against the border town of

⁶⁷³ ROEMER, *supra* note 452, at 70.

⁶⁷⁴ *Id.*

⁶⁷⁵ *Id.*

⁶⁷⁶ See RICHARDSON, *supra* note 483, at 15. As Richardson describes, the pre-PRC "Tibetan economy was not based on cash and a very small proportion of the dues from the peasants to the landlord or the landlord to the government were money payments." Karan, *supra* note 487, at 9 describes the current situation in PRC-controlled Tibet as one whereby throughout the rural areas, Chinese authorities must continue to "discourage bartering" as Tibetans now "must use paper money" rather than barter as they did in pre-PRC times. And ROEMER, *supra* note 452, at 70 describes how Tibetan exiles have found themselves to be cunning businessmen and traders who, to the disdain of native Indians, "drive the biggest cars in town."

⁶⁷⁷ ROEMER, *supra* note 452, at 70.

⁶⁷⁸ RICHARDSON, *supra* note 483, at 11.

Chamdo was heavily reinforced with members of the Khampa tribe of northeastern Tibet.⁶⁷⁹ Although the Khampas were unflinchingly loyal to the Dalai Lama, these border tribes had a deep distaste for the longstanding Lhasa administration and seized the opportunity presented by the PRC to overturn central Tibetan control of this border region.⁶⁸⁰ It is important to remember the XIVth Dalai Lama was not the political leader of Tibet until *after* the PLA's forces had taken Chomdo and was fast approaching central Tibet. Chinese troops attacked and overtook Chomdo on October 7, 1950; the Dalai Lama was appointed to take full political power on November 17, 1950 at an age of 15.⁶⁸¹

After Communist reforms were instituted in these eastern portions of Tibet, many of the same tribal groups who aided the PLA in October of 1950 in overtaking Chomdo began a formidable resistance movement *against* the PLA.⁶⁸² By 1956, a full-scale guerrilla war was underway after hundreds of religious institutions were razed and eastern Tibetans were forced to abandon their cultural and religious customs.⁶⁸³ Again, as the Dalai Lama was now in full political control of the Lhasa administration, these once anti-Lhasa rebels were now fierce defenders of the Tibetan right to self-determination against the PRC.⁶⁸⁴ By 1959, after organizing the major uprising against the PRC's control over Tibet, these same guerrilla forces safely escorted the XIVth Dalai Lama into Indian exile.⁶⁸⁵

After exile, tensions between the central and eastern Tibetan factions were nonexistent as long as the Dalai Lama was the sole administrator of the Tibetan refugee operations. Acknowledging the necessity of developing a representative, although not necessarily a democratic executive council, the Dalai Lama instituted the Commission of Tibetan People's Deputies [hereafter "CTPD"] on September 2, 1960.⁶⁸⁶ Although this was meant to unify the Tibetan exiles, it in fact re-established the old east-central partitions of the Tibetan territory as eastern Tibetans were frustrated that central Tibetans would once again take both political and cultural control of the Tibetan exile administration.⁶⁸⁷

Exile Tibetans from two less-populous regions, three Buddhist sects and members of the indigenous Bon religion rejected the authority of the CTPD and its primary political party, the

⁶⁷⁹ *Id.* at 183.

⁶⁸⁰ *Id.*

⁶⁸¹ TIBET'S JOURNEY IN EXILE, *supra* note 480, at 17-8.

⁶⁸² *Id.* at 23. Most references outline that this guerrilla force was heavily aided by the United States CIA, who trained the Tibetan guerrilla fighters on modern warfare, weapon use, and military tactics.

⁶⁸³ *Id.*

⁶⁸⁴ *Id.*

⁶⁸⁵ RICHARDSON, *supra* note 483, at 209-210.

⁶⁸⁶ *Background*, *supra* note 459.

⁶⁸⁷ Sangay's *Tibet: Exiles' Journey*, *supra* note 551, at 123.

Tibetan United Party.⁶⁸⁸ So as to counteract the unifying impetus of the Tibetan United Party, the aggrieved Tibetan exiles began their own loose parallel administration completely separate from the CTA called the “13 Settlements.”⁶⁸⁹ Intense intra-exile-Tibetan conflict continued for nearly a decade, and these issues of CTPD legitimacy were focused on the Tibetan United Party’s attempt at overcoding the *whole* exiled Tibetan community into a single vein of Tibetan cultural heritage.⁶⁹⁰ As the sole political party of the CTA, such fundamental conflict crippled the solidarity of all exile activities. After consultation with the Government of India, the unifying (overcoding) activities of the Tibetan United Party were discontinued from the top-down, 13 new settlements were established for the aggrieved Tibetan exiles, and the CTA regained legitimate control over all settlements. As the compromise was accepted, the auspices of agnostic pluralist governance were thereafter fundamentally indoctrinated at the TGIE.⁶⁹¹

Even with the arbitrated agreement between the two factions, tensions continued to be high until the late 1970’s. Helping to end this constant conflict, one of the leaders of the “13 Settlements” was regrettably shot by an unidentified person in 1978. The unsolved murder is thought to have come from within the Tibetan exile community, representing an assassination from within.⁶⁹² A second major leader of the “13 Settlements,” Khatok Shingkyong Lama, continued his anti-CTA initiatives until his own death from a long-standing illness in the 1990’s.⁶⁹³ Shingkyong Lama not only opposed the CTA’s authority in administering Tibetan exile affairs, he also allegedly embezzled income from a settlement cooperative, peddled Tibetan antiquities through Chinese administrators, operated a major illegal fur trade of Indian Tiger pelts in Tibet, and allegedly kidnapped a prominent Tibetan Lama at the behest of the PRC.⁶⁹⁴ Until his death, he traveled with an entourage of four bodyguards and was popularly known as “The Limping Lama in the Political Trade.”⁶⁹⁵

In discussion of the rhizomatic process of settlement development, it is important to recognize that the Tibetan exiles have entertained a path of dominant overcoding both in regards to their intra- and inter-communal relationships. As the Tibetan exiles have exhibited a newfound cosmopolitan access to the global economy, during the 1990s they faced the prospect of dominating their local host Indian communities. Prior to inter-settlement strife, the Tibetan exiles were presented a newfound opportunity to create a single united “Tibetan” identity as

⁶⁸⁸ *Id.* See also ROEMER, *supra* note 452, at 72 - 73.

⁶⁸⁹ ROEMER, *supra* note 452, at 72 - 73.

⁶⁹⁰ *Id.*

⁶⁹¹ *Id.* at 73.

⁶⁹² *Id.* Roemer references the TIBETAN REVIEW of 1978.

⁶⁹³ *Following the Tiger’s Trail*, WORLD TIBET NETWORK NEWS (Feb. 2, 2006).

⁶⁹⁴ *Id.*

⁶⁹⁵ *Id.*

exiles. After promoting this overcoded political identity from 1965 until the late 1970's, this arborist course was as well avoided in favor of accommodating the rich diversity of Tibetan values within the exile community as it had been developed in Tibetan history. In both the inter- and intra-community attempts at overt and unifying dominance, the minority within the community of disenfranchised activism rejected these attempts, and due to the sensitivity of Tibetan leadership, was redeemed in the appreciation of their views of difference.

Here, amongst a local Indian population living in a marginal position due to the lack of infrastructure, the remote location of their villages, and a lack of economic opportunity, rather than push forward with Tibetan dominance of each relative area, instead, accommodations were made so as to bolster the local Indian economy as prosperity was granted in Tibetan enterprise. In consideration of the intra-community overcoding, a similar reaction and accommodation resulted after attempts were made to unify all the sects of Tibetan exiles under a single image of Tibetan nationalism. As the eastern Tibetans faced further cultural injustice at the hands of their fellow exiled Tibetans due to the actions of the Tibetan United Party's push of a single form of "Tibetan" culture, they reacted by breaking away from the CTA's control and beginning their own refugee administration. So as to then maintain a cohesive Tibetan exile collective, a compromise was reached to actively shift policies away from overt unity in favor of collective minority solidarity. These actions, although in the short-term seemed to weaken the unified voice of the exile Tibetan movement, in actuality, furthered the breadth of Tibetan cultural heritage to be practiced and preserved in perpetuity. Also, so as to allow such incidents to be handled within the TGiE, the CTA created the Tibetan Supreme Justice Commission, specially granting standing for all exiled Tibetans to sue the CTA.

In spite of his intention to retire from all political duties in the 1990's, due to such conflicts and misguided attempts at "unity" in the exiled Tibetan community, the Dalai Lama did not find it possible to retire from CTA/TGiE leadership until 2011. In essence, these issues have forced, or rather drawn in the Dalai Lama to maintain his personal and prominent political control of the CTA for most of the organization's existence.⁶⁹⁶ His guidance has been necessary as the Dalai Lama has incrementally improved his outstanding reputation of legitimacy in the international community (*See* **FIGURE 81**). He continues to act with the trust of the exiled Tibetan community to represent the best interest of Tibet, and he continues thus far as the principle religious leader among ethnic Tibetans in Tibet.⁶⁹⁷ Although it appears he single-handedly held

⁶⁹⁶ ROEMER, *supra* note 452, at 101.

⁶⁹⁷ *Id.* at 94 – 99. *See also* RICHARDSON, *supra* note 483, at 242 regarding the Dalai Lama's "inspiring feeling of unity and individuality." *See also* Sangay's *China in Tibet*, *supra* note 549, at 4.

together the political authority of the CTA from its inception, after the Tiananmen Square protests of 1989 the Dalai Lama initiated dramatic reformation of the CTA's political structure so as to insure an inclusive democratic process can govern the Tibetan exiles after his retirement.⁶⁹⁸

In May 1990, the Dalai Lama initiated major democratic changes to the TGiE by dissolving the existing Assembly of Tibetan People's Deputies. The new iteration increased legislative membership to 46 members, whereby at least six members are required to be women. By 2006, this legislative body was renamed the Tibetan Parliament-in-Exile and today directly represents each of the major regions and religious sects of the Tibetan population, including sects and regions both in exile and those under the PRC's political umbrella.⁶⁹⁹

The contemporary exiled Tibetan Parliament has balanced issues of 'majority rules' with 'minority representation' in the makeup of Parliamentary membership, directly addressing the issues at the center of the "13 Settlements" dispute. Each of the three major traditional provinces of pre-1959 Tibet including U-Tsang, Kham and Amdo each elect 10 members.⁷⁰⁰ Each of the four schools of Tibetan Buddhism elects two members each.⁷⁰¹ The Bon religion, an animistic ancient religion still holding followership in Traditional Tibet also elects two members.⁷⁰² Three members are elected from exile in the West, two from Europe and one from North America.⁷⁰³ Finally, the Dalai Lama himself can nominate if he or she so chooses three members with distinction in the fields of art, science, literature and community services.⁷⁰⁴

Referencing back to the Bartertown case, it was argued that Bartertown was a former rhizomatic community that transitioned into an arborist, dominant form once Auntie Entity assassinated her rival's protector, Blaster. In terms of the TGiE, in spite of allegations of political assassination and other overt actions of intra- or inter-community dominance, the opposite has transpired as the CTA's leadership has led the exiled community to safeguard against the result found in Bartertown. In other words, in spite of misguided fits of arborist behavior, the TGiE has maintained its rhizomatic, non-dominant form by actively indoctrinating organizational adjustments after "dominance" ruptures of the mid-60s (13 Settlements) and the mid-90s (Indo-Tibetan economic rupture).

⁶⁹⁸ Sangay's *Tibet: Exiles' Journey*, *supra* note 551, at 124 – 125. *See also Background*, *supra* note 459.

⁶⁹⁹ *Introduction to Central Tibetan Administration*, *supra* note 624, at 7 – 9.

⁷⁰⁰ *Id.* at 7.

⁷⁰¹ *Id.*

⁷⁰² *Id.*

⁷⁰³ *Id.*

⁷⁰⁴ *Id.*

D.2.2.1.7. Gangchen Kyishong as Pivot for Rhizomatic Practice

A blaring irony in the development of the Gangchen Kyishong village is that it has been largely developed under the unilateral direction of the Dalai Lama so as to eventually supersede his own political authority. In furthering the CTA's two goals of rehabilitating Tibetan refugees and restoring "freedom and happiness" in Tibet, the Gangchen Kyishong village houses a nerve center of layered Tibetan-centric activity. Within the structures of the headquarters, all five tactics previously outlined are supported with regular diligence in the exiles' hope that sooner rather than later, freedom as per the Middle-Way path shall be achieved. More important than any single goal of the CTA, the Gangchen Kyishong represents a non-dominant solidarity designed to administer the affairs of Tibetan exiles in perpetuity. A major test of that solidarity is approaching as the XIVth Dalai Lama is already in his late 70s.⁷⁰⁵ In order to further the mission of his life's work on behalf of the Tibetan people and its rich heritage, he has been tasked to oversee the development of an apparatus that reflects both the reality and aspirations of contemporary Tibetan society even after he is no longer living to enjoy the fruits of such efforts.

The primary protagonist in the narrative of the Tibetan exile community is the XIVth Dalai Lama. As was the case of the Bartertown protagonist Mad Max, the Dalai Lama has actively served as a hinge figure to convert an outdated administration into a new reflexive form. In the case of Bartertown, Mad Max provided the critical function of hinging the community from a rhizomatic form into one of arborescent expression. Here, the Dalai Lama has hinged the old Lhasa Administration from a strict hierarchal theological form into the current pluralistic, transparent democratic form flourishing in the CTA today.

Richardson, in describing pre-1959 Tibetan social organization, explains that "society in Tibet was divided strictly into upper and lower classes, nobles and ordinary men, by a clearly defined gradation in which everybody knew his proper place."⁷⁰⁶ Further, he explains that prior to communist reforms in Tibet:

On assuming power at the age of about 18, a Dalai Lama becomes supreme temporal and spiritual ruler of Tibet – a position which, in the minds of his people, can be altered by nothing but his departure from the world. ... A Dalai Lama is, in theory, absolute...⁷⁰⁷

⁷⁰⁵ Sangay's *Tibet: Exiles' Journey*, *supra* note 551, at 128.

⁷⁰⁶ RICHARDSON, *supra* note 483, at 15.

⁷⁰⁷ *Id.* at 18 - 20.

This old system is a clear example of the arborescent system Guattari and Deleuze describe whereby the power structure is executed with “centers of signification and subjectification, central automata like organized memories.”⁷⁰⁸ Since the Vth Dalai Lama (1617 – 1682) “who drew all power into his own hands,” this appointed supreme spiritual leader assumed full political authority largely by filling a much needed power vacuum within the politically tumultuous Tibetan nation of the time.⁷⁰⁹ During this transitional period of history, the Dalai Lama became the single point of both power and centralized organization for all Tibetan society. Moving forward from this period in Tibetan history, according to Deleuzean philosophy, the dominant cultural apparatus could only “trace” this established hierarchal system, binding the actions of both ordinary citizens and the noble classes of the system.

So effective was the dominance of this system that it created a comforting knowledge of place within society for all members.⁷¹⁰ Local police forces were largely unnecessary, no wheeled vehicles were allowed, cash was unnecessary except for limited trade with neighboring countries,⁷¹¹ and most tellingly, each new Dalai Lama was powerless to innovate the Tibetan culture in spite of his express authority as the supreme political leader.⁷¹² Balanced between aristocratic land holders and the established monastic system, a political feedback loop of conservatism bound the Dalai Lama at the center of the Tibetan political wheel without a foothold for institutional changes.⁷¹³ In essence, this supreme leader over the centuries became a *nominal* leader of an entrenched, peaceful system.⁷¹⁴

This transformation from legitimate political power with the Vth Dalai Lama to nominal political power of the XIVth Dalai Lama in pre-1959 Tibet can be read from the expression of the nation’s architecture. The very architectural symbol of the Tibetan nation is the Potala Palace, originally built in the 7th century A.D. and rebuilt under the newly realized rule of the Vth Dalai Lama Lobsang Gyatso.⁷¹⁵ At this time in history, there was a relative flux in Central Asian dominance between the Mongols, Chinese and the Tibetans.⁷¹⁶ As the Vth Dalai Lama legitimized Tibetan self-rule by securing all spiritual and temporal authority over the nation in the power of the Dalai

⁷⁰⁸ DELEUZE & GUATTARI’S A THOUSAND PLATEAUS, *supra* note 22, at 16.

⁷⁰⁹ RICHARDSON, *supra* note 483, at 42. *See also* The Dalai Lamas, *supra* note 471.

⁷¹⁰ RICHARDSON, *supra* note 483, at 15.

⁷¹¹ *Id.* at 9, 15, 17 - 18.

⁷¹² Sangay’s *Tibet: Exiles’ Journey*, *supra* note 551, at 120.

⁷¹³ RICHARDSON, *supra* note 483, at 18-20. *See also* Sangay’s *Tibet: Exiles’ Journey*, *supra* note 551, at 120.

⁷¹⁴ Sangay’s *Tibet: Exiles’ Journey*, *supra* note 551, at 120.

⁷¹⁵ *Historical Ensemble of the Potala Palace, Lhasa*, UNESCO WORLD HERITAGE CONVENTION LIST (2011) <<http://whc.unesco.org/en/list/707>>. Although the Potala Palace had its original iteration under the first Tibetan King Songstan Gampo, the major renovations and expansions undertaken by the Vth Dalai Lama Lobsang Gyatso represent the ascendance of the sovereign political power of the Dalai Lama.

⁷¹⁶ RICHARDSON, *supra* note 483, at 42.

Lama, he proclaimed this political determination by realizing the grand winter palace to centralize the focus of Tibetan cultural dominance.⁷¹⁷

Advancing by centuries to 1950, by the time the PRC formed and was securing greater areas of the Asian continent, the unifying political power of the Dalai Lama had eroded so much that the XIIIth Dalai Lama was unable to even introduce English-language instruction to select Tibetan schools. Here, the XIIIth Dalai Lama attempted this simple policy adjustment twice in 1923 and 1945, and in both instances, the existing Lhasa administration frustrated such efforts and avoided implementation.⁷¹⁸ Further, the XIIIth Dalai Lama's steadfast intention to modernize the Tibetan armed forces was thwarted by the monastic-aristocratic power dyad, thereby leaving Tibet helpless to stop the PLA's advances in 1951.⁷¹⁹ By this point, the "Lhasa Administration" symbolized by the Potala Palace represented not only the spiritual focus of Tibetan nationalism, it represented a self-absorbed old order defined by reactionary attitudes and corruption.⁷²⁰ This schizophrenic representation of the Dalai Lama and the existing Lhasa administration helps to explain why eastern Tibetans of the Khampa group in 1950 would both be fiercely loyal to the XIVth Dalai Lama but take every effort *with the PLA* to overturn the existing Lhasa Administration who, in their view, were essentially controlling Tibet for the benefit of central Tibetan interests.⁷²¹

With the fall of the old Lhasa Administration in March of 1959, this arborescent cultural form was destroyed as the monastic-aristocratic dyad was thrown into profound crisis.⁷²² Literally finding flight as the only collective response for cultural survival, the Tibetan exiles again looked to their deity-appointed supreme spiritual and political leader for guidance in this profound time of political and regional flux.⁷²³ In 1959, the Government of India was a young nation less than a decade old,⁷²⁴ and the PRC had long swept China for complete control but still lacked *official* recognition in the United Nations.⁷²⁵ Both colonial and war-time authority had largely evacuated the region since World War II, leaving Central Asian leaders major problems of economic, ethnic and political insecurity. Under such circumstances, the young XIVth Dalai Lama could not, even if he wished, reinstitute an arborescent political structure for Tibet in exile.

⁷¹⁷ *The Dalai Lamas*, *supra* note 471.

⁷¹⁸ Sangay's *Tibet: Exiles' Journey*, *supra* note 551, at 120.

⁷¹⁹ *Id.*

⁷²⁰ *Id.*

⁷²¹ RICHARDSON, *supra* note 483, at 183.

⁷²² Sangay's *Tibet: Exiles' Journey*, *supra* note 551, at 120.

⁷²³ RICHARDSON, *supra* note 483, at 206-208.

⁷²⁴ *India*, C.I.A.: THE WORLD FACTBOOK (Jul. 2011) <<https://www.cia.gov/library/publications/the-world-factbook/geos/in.html>>.

⁷²⁵ *China*, C.I.A.: THE WORLD FACTBOOK (Jul. 2011) <<https://www.cia.gov/library/publications/the-world-factbook/geos/ch.html>>.

Instead, this deposed supreme leader could only indoctrinate a non-dominant political structure, one that was based on the charitable allowance of other nations and the volunteered recognition of his own political-spiritual followers. This novel form of political solidarity found a home in India, and in hindsight, is recognizable as what Deleuze and Guattari define as a rhizomatic cultural form. The administrative headquarters for this non-dominant cultural form was established in the Gangchen Kyishong village, just four miles north of Dharamsala, H.P., India.

The rhizome is characterized as a map, a feature that distinguishes this novel form of political administration as an ongoing experimentation in contact with the real.⁷²⁶ As each individual Tibetan exile advances their individual and collective endeavor in furtherance of continued Tibetan solidarity, the geo-political pivot point for this realized advancement is Gangchen Kyishong. Over decades of development, this village has been literally constructed by the efforts of the marginalized Tibetan refugees-turned-exiles so as to subvert Chinese dominance and global modernization in Tibet. The Gangchen Kyishong is referred to as “Little Lhasa” due to the accommodation of a variety of contemporary needs expressed by exiles. New arrivals typically exit Tibet into the Indian states of Sikkim and Himachal Pradesh, as well as into the urban region of Kathmandu, Nepal. After crossing into India and Nepal, the refugees are drawn to the Dalai Lama’s headquarters as most make their way to Little Lhasa before continuing with their lives and interests as exiles.

Acknowledging the diversity of driving factors for flight, the CTA categorizes new arrivals into six groups: political prisoners, monastic members, young children, youth, pilgrims, and family seekers.⁷²⁷ Here, “youth” differentiate from “young children” in that the youth categorically represent ages from 14 to 25, as the young children are of an age below 14. Of these six categories, all but young children typically filter through Little Lhasa on their journey to becoming “exiles.” Young children, instead of traveling all the way to Gangchen Kyishong, typically go directly to the Central Tibetan Schools Administration campus arranged by the child’s parents for the uniquely synthesized form of Tibetan-Western education.

Employing a mathematic metaphor, the Gangchen Kyishong village can be envisioned as a “function” for *refugees* in their endeavors of Tibetan solidarity and transformation into *exiles*. As each Tibetan refugee is an “input” for the exile function, most expressly endeavor to physically reach McLeod Ganj so as to personally meet the XIVth Dalai Lama. It is understood that every

⁷²⁶ DELEUZE & GUATTARI’S A THOUSAND PLATEAUS, *supra* note 22, at 12. See also ROEMER, *supra* note 452, at 81, where she states: “Since the founding of the CTA, the exile Tibetan struggle has been in a constant process of change regarding its focus in terms of international support, its goals and the pre-conditions to regain the homeland.”

⁷²⁷ ROEMER, *supra* note 452, at 60-61.

Tibetan refugee is entitled to have an audience with the Dalai Lama once they reach McLeod Ganj, assuming His Holiness is present in McLeod Ganj as he is frequently lecturing abroad.⁷²⁸ After each refugee meets with the appropriate personnel in the Gangchen Kyishong village, CTA personnel can then accommodate their plans, thereby allowing the refugee to become an “output” exile member. Exiles then fulfill the already established functions of Tibetan exile community in India, Nepal, Bhutan and Tibet.⁷²⁹

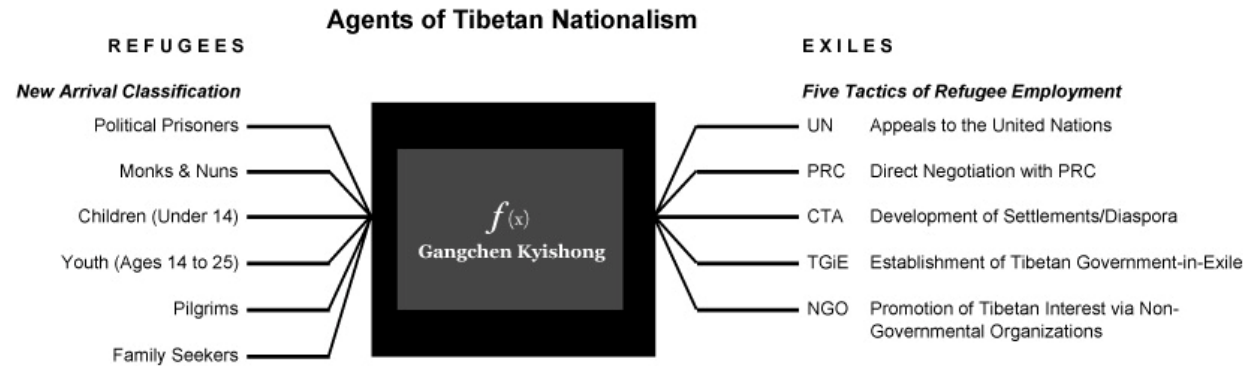


FIGURE 84. Diagram of Gangchen Kyishong’s “Function” Capacity

Based on each category, a somewhat logical pattern is employed in the conversion of each refugee into an activist member of the exile community after arrival (See **FIGURE 84**). Political prisoners typically continue in politics within the greater Tibetan exile community or after reestablishing themselves in one of the settlements.⁷³⁰ Monastic personnel who escaped religious persecution typically return to Tibetan monastic practice in exile.⁷³¹ Young children, as arranged through the CTSA, attend Tibetan-centric primary schools with host families or by living at onsite boarding facilities.⁷³² Youth refugees are directed towards secondary education opportunities, Indian university, or into the greater exile settlement structure.⁷³³ Pilgrims visit the Dalai Lama for his blessing at his McLeod Ganj monastery, and usually, return home to

⁷²⁸ *Id.* at 60-1.

⁷²⁹ *Id.* Here, as Roemer discusses that many of the categorized refugees only intend on entertaining a short visit to the Tibetan exile community either as pilgrims, family seekers or children receiving a CTSA education, in spite of the limited activity abroad, these individuals are still acting as exiles. Once these patrons of the Tibetan exile community return to their homes in Tibet, they in fact continue to directly engage in political activity against the home regime (PRC) in favor of political changes that accommodate the wishes of the Tibetan exile community.

⁷³⁰ *Id.* at 60.

⁷³¹ *Id.*

⁷³² *Id.* See also Sangay’s *China in Tibet*, *supra* note 549, at 5 where he states “ Each year hundreds of Tibetan children ranging in age from six to eighteen cross the Himalayas seeking secular or monastic education in India.”

⁷³³ *Id.*

Tibet.⁷³⁴ Finally, family seekers typically employ the CTA's services to arrange for visiting their exiled family members. After visiting, this group solicits and enjoys the blessing of the Dalai Lama before returning home to Tibet.⁷³⁵

A recent development due to relatively improved relations with the China is that in past years many Tibetan exiles make regular pilgrimages to Lhasa. Since approximately 2002 when the CTA and the PRC's diplomatic ties were reopened, many long-term Tibetan exiles have been returning to Lhasa for limited visits. During the 2009 research trip to McLeod Ganj, many local Tibetans discussed their recent trips to Lhasa where they enjoyed visiting the Potala Palace as well family members still living there. Further, they discussed newfound business opportunities in Lhasa selling Tibetan goods and enjoyed the opportunity to deliver remittances to Tibetan family members. To the credit of the PRC administration, these Tibetan exiles conveyed their own personal security in visiting Tibet without undue hardship. Exhibiting the growing positive relationship between the CTA and PRC administrators, these pilgrimages by Tibetan exiles into Tibet are largely expedited with the assistance of the CTA's personnel by coordinating the Sino-Indian-Tibetan travel arrangements.

The very development of Gangchen Kyishong not only directly reflects the immediate necessity of the refugees soliciting the CTA's services; it as well was built in an approximate order of such refugee-exile needs. The first three institutions established in the CTA were the Department of Home, the Department of Religion & Culture, and the first iteration of the Tibetan Parliament-in-Exile as the Commission of Tibetan People's Deputies. All established in 1960 upon arrival in McLeod Ganj, these institutions frame the central square of Gangchen Kyishong, featured as reaction to the earliest and most prominent nuisances experienced by Tibetan refugees.

Although loosely established earlier in an ad hoc fashion, the Department of Education became a legitimate functioning arm of the CTA in 1961 and found residence just downhill from the already established agency buildings. In 1969, the Department of Finance was introduced, followed with a major cultural repository in the form of the Library of Tibetan Works & Archives in 1970. In 1988, an institution for directly conveying Tibetan issues to the international community was developed with the Department of Information & International Relations. After the Tiananmen Square protests, the CTA took on much more liberalized democratic endeavors, updating the constitution, reforming the Tibetan Parliament-in-Exile, and inaugurating the Tibetan Supreme Justice Commission in 1992.

⁷³⁴ *Id.* at 60-1.

⁷³⁵ *Id.* at 61.

The Gangchen Kyishong village is a functional point of empowerment for the Tibetan refugee, converting their will for Tibetan solidarity into actionable enfranchising outcomes as a newfound exile. Further, as the Tibetan exile community has advanced in sophistication, Little Lhasa has expressed the narrative of Tibetan modernization in the very institutions housed by onsite brick and mortar structures. Here, this cluster of urban forms by its very existence subverts the expression of legitimate PRC dominance in Tibet. This subversion is in actuality a positive recourse for the ethnic Tibetan, affording greater freedom, education and cultural development while employing self-help, internally-driven methods of communal modernization.

D.2.2.2. Undertaking the Characteristics of a Minor Architecture

The 260,465 square feet of built environment that makes up the urban village of Gangchen Kyishong is at first glance an unassuming administrative district that is clean, hilly, and bustling with agency professionals. Termed as the Tibetan Government-in-Exile, this administrative district does not possess any of the dominant attributes of most legitimate administrations. Instead, it has been designed and executed with volunteered funds, international aid funding, a limited appropriation of intra-agency sovereignty, and at its essence, a loyal “citizenry” who have opted-in to the TGiE’s evolving system of settlements, taxation, cultural indoctrination, education and concerted diplomacy. Gangchen Kyishong, indicated in its nickname Little Lhasa, has undertaken all three characteristics of a minor architecture as outlined in previous chapters.

D.2.2.2.1. Deterritorialization of the Major Design Language

In explaining the concept of deterritorialization in terms of a minor literature, Deleuze and Guattari discussed two different phases of emphasis. Using Kafka’s literature as a demonstration, Deleuze and Guattari outline how Kafka first employed the major language (German) in a physical space that itself was already deterritorialized. Within the (1) Jewish district of a (2) Czech capital controlled by the (3) Austrian Empire, Kafka’s home for writing seemingly was at the center of a Russian nesting doll of cultural deterritorialization (*See **FIGURE 114***). Practicing the arts of a foreign language in this place of deterritorialization to the third degree allowed Kafka, as a writer, to take great liberties in expression as the local culture had little investment in the appropriate use of the dominant foreign language (German).

The second phase of Deleuzean emphasis regarding deterritorialization rests on the manner in which the practitioner literally *uses* the major language. As Deleuze and Guattari argue, Kafka

used the written German language to subvert its very authority in the local culture. As a writer, Kafka stretched the language's structure and uses in such a manner so as to make it nearly unreadable. For example, single sentences written by Kafka in German actually run the length of an entire page. All the while subverting the oppressive major language, in doing so Kafka was actively inventing minority uses for the language in furtherance of his own endeavor to enunciate the disenfranchised position of the local culture and population.

Applying this to the CTA headquarters, the first loci of emphasis must be evaluated as to the CTA's home in the village of Gangchen Kyishong. Gangchen Kyishong was developed as an offshoot of the already abandoned McLeod Ganj village where the XIVth Dalai Lama's home has been located since 1960.⁷³⁶ McLeod Ganj was originally developed while India was a British Colony and named after Sir D. McLeod, a former Lieutenant-Governor of the Kangra District.⁷³⁷ Ganj translates roughly as "neighborhood" or "market" and this "upper" Dharamsala neighborhood was initially developed in 1894.⁷³⁸ This development was short-lived as the entire village was destroyed by landslides after an earthquake in 1905, creating a landscape of physical deterritorialization.⁷³⁹

After the earthquake of 1905, central Dharamsala was rebuilt and quickly developed as a bustling regional market community, becoming a primary governmental and commercial hub for the state of Himachal Pradesh.⁷⁴⁰ Dharamsala is physically located at a crossroads for many of India's religious followers. A major contingency of Sikhs live throughout this region of India as Dharamsala is roughly 120 miles from the Golden Temple, the holiest monument for Sikh followers. The site of the city itself was named after the only structure on site at the start of urban construction, a local Hindu rest house.⁷⁴¹ In India, such religious hostels and pilgrim camps are generically called *dharamsalas* in the native language of Hindi.⁷⁴² Tibetan Buddhist pilgrims have frequented the local region as small monasteries and Buddhist holy sites have existed in the local area since at least the 18th century. Finally, the contested Kashmir border with Pakistan is less than 60 miles away, including its primary contingency of Islamic followers. This region is a diverse crossroads of ethnicity, religion and, as discussed earlier, near a major exit point into India for Tibetan refugees.

⁷³⁶ *Mr. J.J. Singh*, THE TIMES OF INDIA, 7 (Sept. 12, 1960).

⁷³⁷ WILLIAM STEVENSON MEYER, ET.AL., THE IMPERIAL GAZETTEER OF INDIA, VOL. 11, 301 (1931).

⁷³⁸ *Id.*

⁷³⁹ *Id.* at 302.

⁷⁴⁰ *Id.*

⁷⁴¹ *Id.* at 301.

⁷⁴² *Id.*

Although the landscape is hilly and beautiful, Stephanie Roemer argues in her text *The Tibetan Government-in-Exile* that McLeod Ganj was specifically selected by the Government of India for the Tibetan exile headquarters due to its underutilized status and comfortable distance from the Indian political center of New Delhi.⁷⁴³ Further, as the Government of India was well aware that the location of the CTA headquarters would dramatically benefit from the infrastructural improvement and influx of foreign investment to support the Tibetan refugees, McLeod Ganj's improvement posed the potential to create a wholly new tourist region for the Indian economy.⁷⁴⁴ Named after an official of the former colonial power, destroyed and dormant decades after an earthquake; McLeod Ganj prior to the Dalai Lama's arrival *lost* its territoriality both from natural and political causes. When Tibetan refugees arrived in McLeod Ganj, long time residents explained that there was merely a modest home in an ashram for the Dalai Lama and a single hand-driven water pump available as habitable services for the thousands moving to the new Tibetan headquarters.⁷⁴⁵

These same dual terms of employing underutilized land in locations of political impotency were used by the Government of India in allocating land for the remainder of the Tibetan settlements. Although the CTA requested that the Tibetans be settled in a few large homogeneous settlements so as to enhance their political and cultural solidarity, the Government of India instead settled the Tibetans in a large number of extremely dispersed *small* homogenous settlements throughout the Indian nation.⁷⁴⁶ In effect, this practice denuded the grander political power of the Tibetans all the while allowing the exiles to rehabilitate their native heritage with a multitude of flourishing institutions of Tibetan culture and religion.

Nonetheless, McLeod Ganj is a prime representative of the greater scheme in relocation of the Tibetan exiles. The tens of thousands of Tibetans were actively relocated by the Government of India in sites endemic to the term deterritorialization. As Cold War Berlin was a product of active urban neglect furthered by Western Allies, many of these Indian-selected sites for Tibetan settlements are products of post-colonial evacuation, natural disaster, and a measure of active neglect perpetuated by each site's adjacency to marginalized people's native to the region.⁷⁴⁷

⁷⁴³ ROEMER, *supra* note 452, at 68 - 71.

⁷⁴⁴ *Id.* at 69.

⁷⁴⁵ An extensive showcase of early pictures and description of the situation found by Tibetan refugees in McLeod Ganj was shown at the Kangra Art Museum, Dharamsala. Further, the early modest home of the Dalai Lama was within the existing Swarg Ashram which today houses the Mountaineering Institute of McLeod Ganj. See Lobsang Wangyal, *Dalai Lama marks 50 years of life in McLeod Ganj*, TIBET SUN (Apr. 30, 2010) <<http://www.tibetsun.com/archive/2010/04/30/dalai-lama-marks-50-years-of-life-in-mcleod-ganj/>>.

⁷⁴⁶ ROEMER, *supra* note 452, at 69.

⁷⁴⁷ *Id.* at 69 - 71.

Gangchen Kyishong, a village built from the ground up on this twice “dislocated” site of natural and political reformation, is a district that is located in a zone of deterritorialization on a multitude of scales. Regionally located at the center of Sikh, Islamic, Hindu, and Buddhist layered influence, this area is literally at a crossroads of Central Asia’s religious and ethnic identity. As the location is less than 100 miles from both PRC-controlled Tibet and Pakistan, this region has a high potentiality for military border violence.

At the urban scale, Gangchen Kyisong is positioned just south of McLeod Ganj towards Dharamsala. Dharamsala is linguistically and historically an Indian city. In contrast, McLeod Ganj since the 1960’s has grown into an international tourist community, reading as a cosmopolitan resort town of Tibetan-centric spirituality, novelties, services and products (*See FIGURES 88-90*). The Gangchen Kyishong village is itself neither of these. Literally built on “waste land” left behind in recent Indian history,⁷⁴⁸ the Gangchen Kyishong is a built expression occupying a space of deterritorialization in furtherance of its political objectives (*See FIGURES 93-97*).

Transitioning to the second phase of deterritorialization analysis, it is evident the manner in which the Tibetan exiles have used the major language of the vehicular linguistics has had a unique impact on the local Indian culture. In order to subvert the German language, Kafka stretched the rules of the written word to such an extent many Germans would find it difficult to read. In the Bartertown case the filmmakers subverted classic urban forms by literally turning the expressions upside down (for example, the Thunderdome expressed as an upside-down theatre) and by using scavenged building materials for construction. Here, the CTA has employed an altogether different tactic to subvert the local employment of vehicular forms of the built environment: urban clarity.

As guests of the Government of India, the major language of vehicular expression springs from the native realm. The nearest regional hub for contemporary vehicular urban forms is Chandigarh, a city famously developed in sectors by the world famous Modern architect Le Corbusier (*See FIGURES 86-87*). Although Le Corbusier did design the urban plan of the city and its primary monumental buildings, infill construction was undertaken in a typical engineering-expressive form used for contemporary Indian buildings. These buildings are created with a point-slab system, whereby a multitude of columns are equally spaced in a rectangle parallel to the nearest easement. After the columns are placed, in-fill slabs are poured

⁷⁴⁸ MEYER, *supra* note 737, at 301.

horizontally for floors and vertically for exterior walls. Due to the repetitious nature of such a building language, it can be extremely difficult to “read” the multitude of functions within each building, be it residential flats, commercial storefronts, or industrial fabrication (See **FIGURE 86**).

As most city services are provided in an *ad hoc* method of delivery, power lines, open sewer systems and never-ending rubbish piles are the norm rather than the exception throughout India. Working with the hot and humid weather of the North India region, many professionals provide their services including accounting, travel documentation, and legal counsel outside in the open air (See **FIGURE 87**). Or, if the services require a physical apparatus, buildings are simply left open-ended so they are never closed off to any prospect of cross-ventilation. At the point which increment weather approaches, tarps are dropped over the openings to protect commercial goods and tools of the trade from rain, debris and mud (See **FIGURES 85, 87 and 89**).

The CTA’s headquarters, although built with the same basic materials and in the familiar point-slab method of engineering-centric vehicular design, are nonetheless altogether different than any other administrative buildings found in this region of India. Robert Somol has outlined that where there is an “impossibility” of building,⁷⁴⁹ the detail becomes paramount in expression of minor political-architectural merger in the built environment.⁷⁵⁰ These details are expressed by the CTA in the clarity, care and superficial “Tibetan-ness” of the urban environment developed for an exile administration in the village of Gangchen Kyishong.

In contemplation of an appropriate description of the CTA headquarters, it can be easy to compare the district to the contemporary design work of Richard Meier. Whereas Meier’s all-white, grid-based iconic design language has been described as hyper-modernist, the CTA’s Gangchen Kyishong village could be as well be described as hyper-administrative. Throughout the village, there is an “extruded” nature to the development of the dense district. Each building has a stacked floor structure with clear open spaces between each modernist, concrete building. Further, these clear spaces are not interrupted with open sewers, seller’s carts, loitering individuals, or rubbish like most the rest of the urban spaces of the region. Instead, they are uniformly surfaced and serviced with a clean, thought-out infrastructure.

⁷⁴⁹ Somol, *supra* note 12, at 788.

⁷⁵⁰ Somol, *supra* note 12, at 788 - 790.

The only infrastructural element within the district that still maintains the normal Indian jerry-rigged characteristics are the power supplies into the village (See **FIGURE 97**). Electricity is serviced by Indian-based suppliers from lower Dharamsala. Otherwise, water, sewer, delivery personnel, and commercial services are all clearly defined (or hidden), clean, and bounded by a well-developed urban environment. After living in the normal Indian urban environment for any measure of time, stepping into the Gangchen Kyishong village immediately re-orientes the pedestrian as to this alternative social environment (See **FIGURES 95-96**).

Not only is the district designed and executed thoughtfully in terms of its built environment, there is an added measure of care expressly taken for the small district. Most building surfaces are clean both in elevation and in plan, including walkways, exterior walls, interior walls, and accessible rooftops. The building elements are in good repair, painted regularly, sidewalks functional with level surfaces, and most buildings standing with satisfactory roof membranes. Windows and doors are opened and closed by minders with regularity. Further, CTA specific porches, doorways and outdoor passageways are kept clean of all rubbish, beggars, and are largely decoratively lined with potted plants, flowers and handmade benches (See **FIGURES 45, 46 and 50**). Most helpful for all pilgrims making their way to specific departments of the TGiE, all buildings are clearly marked with large, green administrative signs written in Tibetan and English (See **FIGURES 41, 44, 46-47, 69 and 95**) and all CTA offices are marked with the official symbol of Tibetan nationalism (See **FIGURE 94**).

The final method that this community has subverted the very linguistic nature of Indian vehicularism is by uniformly employing a superficial layer of Tibetan nationalism, or “Tibetan-ness”, upon the whole of the urban environment. Embedded in the linguistic expression of the vehicular form of the built language, there is assumed an underlying assumption of authentic legal status. Here, as the Gangchen Kyishong is unofficially considered the headquarters for the Tibetan *Government-in-Exile*, the primary collective desire is that of a sovereign government. In fact, based on all communications, operations and political activities of this district’s operators and residents, the ministerial role of this urban district is one of a national character.

The urban environment of this district conveys this purpose on a widespread and persistently superficial level. In using the term superficial, it is not meant that it is of a shallow character or in essence, meaningless. Instead, the communication of Tibetan nationalism has been largely painted, signaled, and holistically integrated into the *surface* elements of the buildings that make up the TGiE. This superficial nature of expression is in large part due to the exile nature of the TGiE village. Upon construction of this village, the Tibetan urban designers per Indian building

code were required to use the construction techniques and design professionals native to the Himachal Pradesh state of Northern Indian. In fact, every building must be approved and inspected by the Town & Country Department overseeing Gangchen Kyishong, an agency office located in Dharamsala.

This regulatory process is required for all Tibetan construction throughout the settlements in India, Nepal or Bhutan. While our research team was in Gangchen Kyishong, all the construction that was ongoing was being carried out by Indian construction crews, not Tibetans. In accordance with these rules, the Planning Commission instructs that all urban development throughout the settlements of India, Nepal and Bhutan be designed by and constructed by local professionals, authorized and inspected by local officials. Beyond the spatial requirements and preferences of the users, under such provisions Tibetans have very little impact on the design and construction process other than organizing the financing for each enterprise. Beyond the financing and program of the project, the Tibetans have as well taken great care in selecting the *details* for each project. In the details, the CTA has taken great care to express the very Tibetan-ness of each building the exiles wish to inhabit. And in those details, the Tibetan exiles have their opportunity, be it a superficial one, to distinguish their own built environment from the local surroundings (See **FIGURES 93, 94-97**).

Dr. Kunchok Tsundue, the Chief Planning Officer of the TGiE's Planning Commission, stated that although the buildings themselves were extensively regulated by the host country's building trades and local government, the TGiE's Planning Commission provides exiles who are undertaking construction projects a design manual for applying Tibetan details and features for internally funded architectural projects. The superficial considerations outlined in this manual are evidenced in the very details of each building making up the Gangchen Kyishong's urban environment.

An overt expression of Tibetan nationalism is written clearly into the very signs that describe each public building in the village. These signs give equal space to the Tibetan written version of each description as they do the English translation (See **FIGURES 41, 44, 46-47 and 95**). Second each of these signs is embossed with the CTA's emblem, a montage of independent symbols of both Tibetan Buddhism and Tibetan nationalism. Specifically, this oval emblem is a single symbol with a collage of similar elements graphically represented on the Tibetan flag that include a pair of snow lions, an abstracted depiction of three snow covered mountains, Buddhist symbolism, as well as a three-colored circular motif symbolizing adherence to the Ten Divine Virtues & Sixteen Human Moral Codes (See **FIGURE 94**) . The current Tibetan flag was

designed under the XIIIth Dalai Lama to unify all Tibetan military establishments and proclaim the independence of Tibet as a nation.⁷⁵¹

Finally, the signs themselves reiterate and publically proclaim the nationalistic nature of the CTA's bureaucratic purposes. Although these agencies have already been discussed at length, to see their actual names on large green signboards in public squares has a significant impact on the viewer regardless of their political bearing. Such names include the "Tibetan Parliament-in-Exile," the "Department of Religion & Culture," the "Department of Information & International Relations," the "Department of Education," and perhaps most authoritatively, the "Tibetan Supreme Justice Commission."

Beyond that which is simply written on signs to the multitude of buildings in the Gangchen Kyishong village, there are other subtle, yet equally superficially detailed expressions of Tibetan nationalism in the realized urban environment. Most evident to architect students, are the unique window features that embolden the Tibetan claim to a unique and particularly specific architectural heritage. These Tibetan windows include an elaborate head, sill and unique vertical elements of fenestration. These window outlines, where they exist, are usually painted into the walls rather than built in the traditional fashion as was practiced in Tibet prior to PRC dominance (See **FIGURES 46, 69, 95-96**).

An exception to this practice is evidenced on the library building, where the windows themselves have been realized using the traditional Tibetan construction methods (See **FIGURES 94-95**). As well, within nearly all the windows of the CTA buildings, there are unique metal window-dressings and screens created to represent traditional Tibetan symbols (See **FIGURE 95**). These screening symbols are also used for ledge railing, staircase railing, and other necessary screening devices for pedestrian service. The most popular of these for screening is the "knot of eternity" embedded practically everywhere in the village (See **FIGURE 93**).

The district itself exhibits a uniform color scheme for most of built environment. Exterior walls are painted yellow, the edges of the horizontal slabs are painted crimson. Window fenestration is painted green as most window and door portals are painted black. All the buildings' signs are painted green with white lettering. Many of the doors are also painted the same green used for window fenestration. Upon entering the village, due to the overwhelming uniformity in the literal color of the district, it is clear a campus plan has been executed in the aesthetic nature of

⁷⁵¹ *Introduction to Central Tibetan Administration*, supra note 624, at 22 - 23.

the village's final urban environment (See **FIGURES 96-97**; **FIGURE 91** exhibits a contrast between the CTA and non-CTA district color scheme).

These are all elements as would be expected in an official contemporary governmental district. Although much smaller in scale, the CTA's Gangchen Kyishong village is not unlike the Capitol Mall of Washington D.C. or the Palace of Westminster in London in that the urban environment conveys a clear linguistic expression of official national representation and administration. Even so, in terms of understanding Deleuze and Guattari's definition of deterritorialization, it may be difficult to see the subversive undertones written into the built environment of CTA's headquarters. Although this district *looks* like a national administrative district, *executes* with the agencies of a secular and federal character and has a democratic law-creating parliamentary body *representing* a large population living over a significant land mass, in actuality, the CTA does not hold total sovereign authority over any area of land mass. According to that authority granted the CTA by the Government of India, the CTA's sole responsibility is to act as a refugee support organization. As the CTA carries out its "government-in-exile" operations from its headquarters in Gangchen Kyishong, in reality, it is simply executing a rehabilitation operation for those that have fled the PRC-controlled Tibet. Acknowledging the truth of the clearly limited character of the CTA's authority, official documentation from the CTA outlines that its authority will end when there are no longer any refugees to administer for:

Today, the CTA has all the departments and attributes of a free democratic administration. It must be noted, though, that the CTA is not designed to take power in Tibet. ... His Holiness the Dalai Lama stated that the present exile administration would be dissolved as soon as freedom is restored in Tibet. The Tibetans currently residing in Tibet, he said, would head the government of free Tibet, not by the members of the exile administration.⁷⁵²

Here, this quote strikes at the essence of the high coefficient of deterritorialization exhibited with expression of the Gangchen Kyishong village. Here, the Tibetan exiles have exaggerated their quite limited authority to create a refugee support administration to develop an overstated urban district that exhibits the characteristics of a national democratic capitol district. So effective this exaggeration - or in Deleuzian terms, this high coefficient of deterritorialization - the Gangchen Kyishong village is regularly acknowledged as the Tibetan *Government*-in-Exile. So convincing is this fiction of nationalism that even Chinese-centric academics quote and actively rebuke *official* TGiE statistical analysis for their own explanation of the PRC's pro-Tibetan activities and

⁷⁵² *Id.* at 3.

development programs.⁷⁵³ So convincing is the clarity of this rehabilitation project, it embodies a subtly subversive message of superiority in contrast to their own host Indian administration.

The TGiE's self-exalted proclamation as *the* legitimate legal-political entity for Tibetan nationalism necessitates the urban linguistic bravado that has been constructed in the Gangchen Kyishong village. This village houses the necessary mechanisms to reify the growing legitimacy of the CTA's operations beyond merely supporting refugee rehabilitation efforts. This small district promotes an open venue to practice continuing democratic reforms, creating an experimental governing body that sharply contrasts with the PRC's techniques for maintaining dominance over the Tibetan territory.

This district has its greatest impact in that it allows the Tibetans to execute a secular, federal protocol independently and with administrative professionalism, proving to the international community they have the capacity and motivation for self-government. In consideration of these factors, the development, international recognition and growing influence of the TGiE has a seriously subversive impact on the PRC's sustained dominance over the Tibetan territory; not to mention a running challenge to their Indian host in administrative effectiveness. Here, this is all possible because the TGiE has redefined its dictate to rehabilitate as a globally recognized iteration of contemporary Tibetan nationalism.

D.2.2.2.2. Connection of Individual to Political Immediacy

Upon entering the Gangchen Kyishong village by its single roadway entrance, it is clear to both the resident and visitor an *other* political realm has been created within the district's urban boundaries. Depending on your own preference, there are many opportunities for *otherness* in Northern India, as the ethnic, religious, and historically-based differences are illuminated in homogenous pockets of urban co-existence. The Government of India itself has encouraged such "separate but equal" forms of community development as a method to avoid cultural degradation as the post-colonial state grew after independence.

Just prior to the Tibetan flight, there was another major exodus of unique peoples finding refuge in Northern India. After Indian independence in 1947, Pakistan was partitioned from India so as to create a neighboring Islamic nation. In following, a major exodus of Punjab Sikhs moved into India to avoid persecution. Leaving the newly formed Pakistan nation to reestablish in India, the

⁷⁵³ Hao, *supra* note 487, at 14, 29.

Government of India promised these Punjab immigrants a new capitol city for their redefined North Indian province.

This new city, Chandigarh, was designed by the famous Modern architect Le Corbusier. Located just south of Dharamsala, this new city had as one of its primary objectives the rehabilitation of Punjabis resettling in India (*See FIGURES 87*).⁷⁵⁴ As India through its history has had to balance a great diversity of cultures, the resident pluralism of the polity affords exiled populations a great diversity of legitimate ways to realize their self-determined collective ambitions.⁷⁵⁵ For the Punjabs relocating to India, that ambition was to resettle permanently with other local Indian Punjabs and assimilate into Indian society.⁷⁵⁶ For Tibetan exiles, their primary ambition has been to launch a long-term movement for Tibetan independence, openly resisting assimilation so as to preserve their culture and future claims of Tibetan nationalism.⁷⁵⁷

Individually, Tibetans have acted upon this movement in a variety of ways. Tibetan exiles refuse to become citizens of their host countries in spite of the fact that many are raising a second generation of foreign born refugees.⁷⁵⁸ As Tibetans have fiercely maintained their Tibetan language, culture and religious traditions abroad, many believe that the health of Tibetan identity is even stronger in exile than it is currently in the PRC-controlled homeland.⁷⁵⁹

Within Gangchen Kyishong, most working Tibetans wear western-based attire that is accented with traditional Tibetan wardrobe. For instance, the men wear traditional Tibetan jewelry in addition to their button-up dress shirts, ties and slacks. The women largely wear collared shirts, a light vest, and dark long skirts that are covered with the traditional apron. Within the working organizations of the Gangchen Kyishong village, the offices are filled primarily with lay Tibetans. In other words, there is not an abundance of monastic Tibetans wearing the iconic crimson robes

⁷⁵⁴ S.P. GUPTA, *THE CHANDIGARH: AN OVERVIEW*, 1 (2nd ed., 2009).

⁷⁵⁵ ROEMER, *supra* note 452, at 65.

⁷⁵⁶ GUPTA, *supra* note 754, at 18, 20.

⁷⁵⁷ ROEMER, *supra* note 452, at 66, 69. From India, the CTA continued to support guerrilla war activities against the PRC until the mid-1970s when the remaining Guerrilla forces were given their own settlements in Nepal. Tibetans, although recognizing the semi-permanent process of exile, continued to limit their ownership and citizen rights so as to be prepared to return to Tibet after independence from the PRC was secured. Land ownership in India held by the Tibetans is largely held by leases or with loans by the government for a term of 99 years. *See also Introduction to Central Tibetan Administration*, *supra* note 624, at 3. To reiterate, the CTA as the working body of the TGiE is planned for dissolution immediately upon the security of freedom in the homeland Tibet. Here, the TGiE is clearly working towards an autonomous state with the PRC, not permanent resettlement in current host countries.

⁷⁵⁸ HESS, *supra* note 465, at 8-9. Hess states: "Remaining refugees keeps the problem of Tibetans' statelessness alive for both Tibetans and the states in which they live, as well as for China, where the continual exodus of Tibetans from Tibet highlights human rights abuses... While Tibetans in South Asia are encouraged to remain stateless, members of the TUSRP [Tibetan U.S. Resettlement Project] were encouraged to adopt U.S. citizenship in order that they might become ambassadors for Tibet." The decision by the TGiE to encourage or discourage citizenship by Tibetan exiles in their host countries is largely evaluated on its impact on the TGiE's endeavor for Tibetan autonomy or independence.

⁷⁵⁹ *Id.* at 67 – 69. Hess outlines how the greatest *positive* impact of Chinese occupation of Tibet has been the active "dissemination of Tibetan culture and religious throughout the world," a sentiment mutually held by the Dalai Lama.

walking the halls and grounds of the CTA's headquarters. The district itself is a very busy, business-only sort of campus. Monastic Tibetans do cross over the expanse of CTA's headquarters towards the two monasteries on polar edges of the village; on the west there is the Ganhong Monastery and on the east edge there is the Nechung Monastery (See **FIGURE 93**).

As discussed in the previous section, the very nature of the CTA's headquarters communicates a grander purpose than simply an administrative apparatus for refugee rehabilitation. This district has been the foundation for the XIVth Dalai Lama's political power, and now, has transitioned into a host for the political legitimacy of the exiled Tibetan community. The uniform character, the monumental *vehicular* nature of the built environment, the temporal regularity of official business for Tibetan affairs; altogether, these socially reinforced bureaucratic norms and practices of their own accord connect each individual to the Tibetan *national* enterprise.⁷⁶⁰ Tibetan national flags, Tibetan national symbols, a preponderance of secular Tibetan officials and political operatives; these are all persuasive urban elements that express the political will to execute a legitimate Tibetan nation.⁷⁶¹

Retracting back to the personal experience of entering the Gangchen Kyishong village, most visitors enter Little Lhasa circuitously through Dharamsala, north-uphill to McLeod Ganj, and then back south-downhill to the CTA's headquarters. After navigating the busy, chaotic

⁷⁶⁰ In WEBSTER'S NEW WORLD DICTIONARY, *supra* note 165, at 902, the first definition of *nation* is "a stable, historically developed community of people with a territory, economic life, distinctive culture, and language in common." See also THONGCHAI WINICHAKUL, SIAM MAPPED: A HISTORY OF THE GEO-BODY OF A NATION, 113-117, 137 (1997). The author goes into great detail as to the impacts of the scientific process of cartography literally shaped the politics of the emergent Thai nation. His account discusses how as the cartography process was introduced from French and Dutch society, the leaders of Southeast Asia were forced to adapt and modernize so as to redefine their pre-modern kingdom societies into nations. This rapid modernization was integral in avoiding Thai colonization, the redefinition of national borders, and the maintenance of autonomy after the scientific "geographic" process was complete. On page 137, the author even goes so far as to say that a map is the primary method for representing nationhood, as the image itself arouses nationalism, patriotism, or other messages about the nation.

⁷⁶¹ In WEBSTER'S NEW WORLD DICTIONARY, *supra* note 165, at 902, the second definition of *nation* is "the people of a territory united under a single government; country." In terms of Tibetan nationhood, see RICHARDSON, *supra* note 483, at 28 - 32, 45 - 47, 102 - 104 and 187 - 188. Here, the author debunks the myth that the Tibetan nation has existed through history as an autonomous nation under the rule of a clear succession of theocratic Dalai Lamas. On closer examination, as Tibetan historical writers outline, full independent autonomy for the Tibetan nation only existed in intermittent historical episodes. The first episode occurred at the relative origination of the Tibetan nation with the King Song-tsen Gampo in 635 A.D., which lasted until roughly 842 A.D. when the Tibetan Kingdom was broken up into smaller kingdoms. Then, the first Dalai Lama to take full political *and* religious control was the Vth Dalai Lama from 1655 - 1717. From this point on, the Dalai Lama was continuously considered the supreme, yet practically nominal political leader of Tibet. Due to international conditions, full power was resumed under the sole authority again with the XIIIth Dalai Lama, who took full control of Tibetan national affairs from 1912 until his death in 1933. In spite of his death, the strong leadership provided by the XIIIth Dalai Lama sustained similar national policies for decades until the XIVth Dalai Lama took full political and religious control at the age of 16 in 1950. Under the XIIIth Dalai Lama, Tibet openly solicited the help of their Russian, British and Indian neighbors for assistance in nation-building, armaments and military training. The contemporary Tibetan flag was created to unite all the regions of the Tibetan nation, and with British assistance, the newly autonomous Tibetan nation defined a clear national border. According to Richardson's account, the border between China and Tibet has always been a source of military conflict. With the PRC's strong army and hunger for regional domination, the unresolved border dispute between the nations could be perceived as the 'camel's nose in the tent' leading to the full occupation of Tibet by the Chinese in securing a strong, defensible border on the Himalayas.

Dharamsala, taxi drivers and buses traverse switchbacks up and directly into the heart of McLeod Ganj. Immediately within McLeod, neon signs and a cosmopolitan mix of cultures, people and commercial buildings greet the traveler with less chaos and more pedestrian-friendly fare. Vendors, beggars, Hindu sects, hippies, taxi drivers, Tibetan monks, artists, and service providers all populate the streets in the bustling, seemingly ad hoc neighborhood (*See FIGURES 88*).

In the daylight, the sunlit illumination of McLeod Ganj's building stock would convince any onlooker to characterize the urban conglomeration as a shantytown (*See FIGURE 88*). At night, darkness covers the jerry-rigged nature of the built environment, and instead, the community has the feel of a cosmopolitan city district pulsing with youthful energy and goodwill (*See FIGURE 88*). Here, although there is a strong commodification of the politics of the Tibetan movement whereby literally hundreds of shops and vendors offer Tibetan goods and services, the community itself has a strong mix of Indian, Tibetan and Anglo-European members all working side-by-side in competition for tourist dollars. In spite of the fact these vendors are essentially selling the Tibetan movement as a product to visitors,⁷⁶² they are doing so in a typical *Indian* manner (*See FIGURE 88*). In other words, this open bazaar of "Tibetan-ness" is transferred in a pluralist method that is regularly overcrowded, of questionable hygiene, friendly, and adventurous in the most positive light.

Descending down the hill to the Gangchen Kyishong village, this typical Indian manner of urban interaction is washed away and replaced with the CTA's unique social pattern of interactivity. Here, most of the different ethnicities that are represented have quite specific functions. Indians populate the working functions, acting as cab drivers, manual labor and few beggars in the small village (*See FIGURES 83*). These beggars are limited in their allowed venue, that being the large public plaza at the center of the CTA headquarters as well as along the roadside where laborers are carrying materials up and down the hill by hand. Researchers and the majority of the white representatives in Gangchen Kyishong are relegated to the Library of Tibetan Works & Archives, where internships and workshops are held for TGiE endeavors (*See FIGURE 93*). Tibetan administrators fill the multitude of agency buildings while a limited number of Tibetan refugees queue outside agency offices for information on family members, settlement assignments, or other special services provided by the CTA. A limited number of Tibetan

⁷⁶² ROEMER, *supra* note 452, at 149-50. Dr. Roemer discusses how "a popular figure like the XIVth Dalai Lama as a front man of a marketing product 'Tibet', was most useful in selling the political Tibet issue." Further, she states that this commodity phenomenon has transferred the traditional priest-patron relationship from the pre-1950 link between Tibet-China to a new one formed between Tibet and the West.

pilgrims circle the Library of Tibetan Works & Archives, as there are a number of sacred Tibetan objects stored in the building for safekeeping (See **FIGURE 93**).

Upon visiting Little Lhasa, the research team unanimously expected to find a large contingency of Tibetan refugees in the district. Instead, it was found that the majority of refugees were provided assistance at the Tibetan Refugee Reception Center in McLeod Ganj. Also, upon making it to McLeod Ganj, many refugees visit the Dalai Lama's monastery and Tibetan Museum, both of which are in central McLeod Ganj. Having located these functions of the "exile experience" outside Gangchen Kyishong, the village itself is almost entirely employed for administrative and staff residential purposes. In establishing this clear demarcation of uses for the built environment, inhabitants demonstrate a clear purpose for their placement in the village. Those that find themselves outside that purpose, like an American architectural research team, immediately recognize their out-of-sorts condition. Such interlopers usually find respite at the Café on the Village Square before climbing back up the hill to McLeod Ganj or continuing down to lower Dharamsala (See **FIGURE 43**).

In Gangchen Kyishong, an individual does not find Indian flags or national symbols, only those of Tibetan origins. The Dalai Lama's image is used not as a religious symbol, but rather a political one alongside the image of Gandhi in offices (See **FIGURE 93**).⁷⁶³ As a pedestrian reads the signs for the multitude of government departments, they enjoy the clean aesthetics of the administrative district, and respect the projected authority of its public sector workers. The pedestrian cannot help but appreciate the TGiE as a fully legitimate body of which you, the pedestrian, are currently a witness. Regardless of any intentions as a tourist, researcher, Tibetan public servant, or weary refugee; just by reaching this location, the inhabitant is contributing to the legitimization of the TGiE and its continued claim that Tibet should be recognized as an autonomous political body. By the time you have finally crossed into the urban space of the CTA's headquarters, you are well aware of the TGiE's claim of PRC marginalization in control of Tibet. An individual does not simply stumble into Gangchen Kyishong. Rather, they are drawn to this administrative apparatus on pilgrimages, research trips, or as public servants so as to participate in the Tibetan cause. Here, the connection of the individual to the political circumstances is tangible as this village and all its members have been solely employed to counter-modernize against the modernization methods employed by the PRC in Tibet.

⁷⁶³ Although Gandhi is a major symbol of Indian independence, nationalism and pride, in this context his image is a global symbol of nonviolent political action. In the XIVth Dalai Lama's speeches and written memorandum on the "Tibetan Problem," he has continuously referenced the methods of Gandhi to persuasively establish the real possibility of Tibetan independence by peaceful, non-violent means.

D.2.2.2.3. Collective Enunciation of Disenfranchised Community

Since 1959, Tibetan exiles have worked together under the leadership of the XIVth Dalai Lama to both conceptualize and eventually realize a contemporary Tibetan nation. With the aid of many western nations, most important of which is the Government of India, these Tibetan exiles have developed a host of tactics, established a multitude of settlements, and have created a focused headquarters district to execute their political aims. Employing the tactics, settlements and administrative apparatus, the Tibetan exiles expressly attempt to counteract the continued marginalization they find wholly objectionable since the PRC assumed undeniable control over Tibet in 1959. After over 50 years in exile, these political Tibetans living outside Tibet build with every year a collective investment in the TGIE's hopes to realize an autonomous nation. In conveying such hopes to the greater world, the CTA has become an administrative and architectural mouthpiece of self-help for this disenfranchised community.

Green Book. As evidence, first and foremost, the 'Green Book' as employed by the majority of Tibetan exiles is a major indicator of the continued collective enunciation of this marginalized population (See **FIGURE 41**). Since 1971, the CTA's Department of Finance has issued the Green Book for all Tibetan exiles six years of age or older.⁷⁶⁴ Prior to 2004, the Green Book was issued indirectly by the Department of Finance through Tibetan Freedom Movement offices in the foreign host countries where exiles reside.⁷⁶⁵ Today, roughly 90% of Tibetan exiles are Green Book holders⁷⁶⁶ as the Green Book itself is directly issued from the CTA headquarters in Gangchen Kyishong.⁷⁶⁷

The Green Book is designed to serve as official identity certification for Tibetan nationals in lieu of a passport, as "the holder of the Green Book is recognized as a bona fide Tibetan."⁷⁶⁸ There are three major purposes for issuing and holding a Green Book. First, this document is the initial step necessary for Tibetan exiles in securing travel authorization from the host country to their intended destination. When a Tibetan exile begins their paperwork for travel abroad, as they are typically not citizens of their host countries, the exile must begin their foreign visa application by proving they are a Tibetan "national" with Green Book verification.⁷⁶⁹

⁷⁶⁴ Ramananda Sengupta, *The Rediff Interview: Samdhong Rinpoche Lobsang Tenzin* (Jan. 20, 2002) <<http://www.rediff.com/news/2002/jan/30inter.htm>>.

⁷⁶⁵ *Department of Finance*, *supra* note 512.

⁷⁶⁶ Sengupta, *supra* note 764.

⁷⁶⁷ *China: The "Green Book" issued to Tibetans*, *supra* note 463.

⁷⁶⁸ *Id.*

⁷⁶⁹ *Id.*

A second purpose that is telling of the logic of issuing the Green Book from the Department of Finance, the Green Book is issued to insure the regular payment of exile taxes to the CTA. Categorized under the Chatrel Unit of the Department of Finance, the chatrel is a yearly tax paid by each individual exile to the TGiE.⁷⁷⁰ Annual rates are set by the CTA and vary depending on age and physical location. For instance, a Tibetan exile of twelve years hosted in India is expected to contribute a tax of roughly \$ 0.27 per year (12 rupees). In contrast, an employed twenty year old Tibetan exile hosted in the United States is expected to contribute a tax of \$96 per year.⁷⁷¹

The third major use of the Green Book for the Tibetan exile is for voter registration in the CTA's general democratic elections. Before a Tibetan exile is afforded suffrage, their Green Book must be up to date; in other words, they must be current on their annual taxes to the TGiE as it is indicated in the Green Book ledger.⁷⁷² In the most recent 2011 election of the Kolan Tripa, of the 127,935 Tibetans exiles, 83,990 (66%) were registered to vote in the 2011 election. Of those that were registered to vote, 49,184 (38%) Tibetan exiles actually voted, representing all 30 host countries where Tibetans exiles reside.⁷⁷³ Compared to the United States' 2008 Presidential Election, the voter turnout is markedly lower, but is sufficient to indicate a robust democratic process for the Tibetan exiles in electing their first secular political leader.⁷⁷⁴

As a primary evidentiary device in witnessing the collective enunciation of the disenfranchised Tibetan exile community, the Green Book provides a persuasive statement of the communal investment in the CTA's headquarters in Gangchen Kyishong. Each year, Tibetan exiles solicit these documents of Tibetan nationality and voluntarily pay taxes directly to those offices located in Gangchen Kyishong. As well, rather than fading in importance over the decades, the CTA's administrative faculty has actually grown in professionalism, effectiveness, and representation due in part to the activities in Gangchen Kyishong.

This growing prominence is as well evidenced by the Green Book, in that the super-majority of registered Tibetan exiles are fully up to date in paying their current voluntary taxes. As these stateless "nationalists" have bought into the CTA's system of representative authority, it is quite

⁷⁷⁰ *Department of Finance*, *supra* note 512.

⁷⁷¹ *China: The "Green Book" issued to Tibetans*, *supra* note 463.

⁷⁷² *Id.*

⁷⁷³ *Tibetans Elect Dr. Lobsang Sangay as Kolan Tripa*, CENTRAL TIBETAN ADMINISTRATION (Apr. 27, 2011) <<http://www.tibet.net/en/index.php?id=2277&articletype=flash&rmenuid=morenews&tab=1#TabbedPanels1>>.

⁷⁷⁴ Thom File & Sarah Crissey, *Voting Registration in the Election of November 2008: Population Characteristics*, U.S. CENSUS BUREAU, 2 (May 2000) <<http://www.census.gov/prod/2010pubs/p20-562.pdf>>. From the 2008 Presidential elections, of the 206,072,000 U.S. citizens, 146,311,000 (71%) are registered to vote. Of these that are registered, 131,144,000 voted, meaning that 64% of the total population voted in the 2008 election.

significant that such a large proportion of Tibetan exiles believe enough in their democratic institutions to vote using their Green Book to prove Tibetan nationality. Here, the Green Book represents more than simply a visa document to the Tibetan exiles. The Green Book is a continued proclamation of Tibetan national solidarity, a movement that is now moving beyond simply a followership of Tibetan Buddhism and the Dalai Lama. The Green Book is a direct and personal link between each Tibetan exile and the principle place of representative expression, the TGiE's headquarters in Gangchen Kyishong.

CTA. Refocusing directly on the CTA headquarters' village itself, the very function of this administrative village is evidence of its collective enunciation on behalf of the Tibetan exiles. Beginning at the point of flight from PRC-controlled Tibet, each refugee has the opportunity to completely avoid the CTA and directly solicit refugee services provided by each host country. As the CTA has very limited authority, there is nothing that compels Tibetan refugees to participate in the CTA's programs beyond their own will to do so. The fact that the CTA can so successfully plan and manage the affairs of the Tibetan exile population is in itself the best evidence of Tibetan exile solidarity.

This expression of solidarity and self-management has been written into the urban environment of the Gangchen Kyishong village. As Louis Kahn once inquired "What do you want Brick?" the bricks of the CTA's headquarters want to perform as they have been designed: to protect the administrative processes of the TGiE. The TGiE today performs as a collective pseudo-national voice for the Tibetan exiles, executing an exhaustive range of national endeavors on their behalf. These endeavors include settlement development, foreign diplomacy, state-run education, statistically valid census data, and democratic representation for the Tibetans living beyond Tibet.

Tibetan Parliament-in-Exile. Finally, the Gangchen Kyishong village houses the evolving collective voice of the Tibetan exile community. As this exile community began its journey with the flight of the XIVth Dalai Lama, His Holiness himself was the ultimate symbol and collective proclamation of solidarity. But, since then the identity of the Tibetan exile has shifted away from the 1950's image of the naïve, devout theocratic follower as portrayed in most Western-based media outlets. The reality of today's Tibetan exile is one that portrays the presence of a self-actualized democratic ambassador of Tibetan nationalism. This dramatic transition by the Tibetan exile community has only been possible by exploiting the functional apparatus provided with the TGiE's headquarters. As each building is marked as a different legislative, executive and judicial function of the TGiE, the built space has contributed much more than simply housing the

mechanisms of communal delegation, but rather, has become a catalyst for the minor endeavor of Tibetan nationalism.

Perhaps the single building which represents this transformation best is the Tibetan Parliament-in-Exile. Beginning in 1960, both the precursor to the Tibetan Parliament and the Kashag (Executive Cabinet) were appointed committees chosen unilaterally by the Dalai Lama himself, performing primarily as symbolic bodies rather than as an actual democratically-representative capacity. Over the years as the Dalai Lama and TYC persistently pushed the Tibetan exile community to endorse the establishment of an elected Parliament and Cabinet, such advances threatened to fracture the Tibetan exile community due to inter-regional distrust based on each Tibetan exile's geographic and religious origins.

Such threats became less important as the Tibetan exile community enjoyed more inclusive forms of collective action. In 1989, as the Dalai Lama won the Nobel Peace Prize and the PRC executed a crackdown at the 1989 Tiananmen Square Protests, the Tibetan exile community embraced full democratization of both the Tibetan Parliament as well as the open general election of the Kalon Tripa. Here, having collectively witnessed the positive changes in both the exile community and the newfound hard-line stance of the PRC, the Tibetan exile community finally embraced the secular, democratic reforms necessary to insure the representative longevity of the TGiE beyond the current Dalai Lama's tenure as political head of the CTA.

Most telling of the dramatic transformation of the TGiE's leadership and constituency, the current iteration of the TGiE's constitution specifically has a clause allowing for the impeachment of the standing Dalai Lama.⁷⁷⁵ Here, embodied in this one institution that began as an organ of refugee rehabilitation, a representative body has emerged with democratic authorization to take collective ownership of political rights once only believed to be executed by divine intervention. Prior to these recent iterations of the TGiE's constitution, the Dalai Lama could only fall from supreme political power by death. Today, as death *is* a reality for the XIVth Dalai Lama, this traveled monk continues his endeavors with the security that the buildings of the Gangchen Kyishong village and their users will facilitate his life's work after he can no longer physically do so.

This vehicular district literally represents in real time the self-defined modernization of an ancient sequestered kingdom. Today, the Tibetan exile community has undertaken a great

⁷⁷⁵ Sangay's *Tibet: Exiles' Journey*, *supra* note 551, at 125.

project of minority self-help, collectively proclaiming the desires of this disenfranchised community against PRC-centric globalization. Rather than simply sweep away the long and rich culture of the Tibetan people with dominant rationalization, the “Tibetans often state that in exile the chasm between tradition and modernity is *one that is being actively bridged*.”⁷⁷⁶ That cultural-historical-national bridge *is* the CTA’s headquarters in Gangchen Kyishong. As literal bridges find a beauty in the synthesis of utility and aesthetics, the TGiE’s physical embodiment in this strictly vehicular linguistic form offers this very same utilitarian beauty to the eyes of the appreciative exile witness.

D.2.3. A Home for the Marginalized Population

On the final page of Richardson’s *SHORT HISTORY OF TIBET*, the author who was writing from his experiences as a former British diplomat stationed in Lhasa in the final years of Tibetan nationhood from 1936-40, 1940, and 1946-50, advocates a prescription for the Tibetan exiles:

If the Tibetans themselves and especially the religious teachers can make a synthesis of their own beliefs with the learning of the outside world a distinctive and valuable Tibetan community may survive in the foothills of the Himalaya.⁷⁷⁷

Deleuze and Guattari discuss in *Kafka* that “an assemblage ... has two sides: it is a collective assemblage of enunciation; it is a machinic assemblage of desire.”⁷⁷⁸ Most important to the marginalized producer is that the assemblage is an expression of the “home” for the minority community, constructed from “decoded fragments of all kinds.”⁷⁷⁹ At the “foothills of the Himalaya” as Richardson so aptly phrased it, the TGiE has in fact undertaken a long term project of constructing a new Tibetan identity, aiming to bridge modernity and the ancient culture of Tibetan Buddhism. In each of the settlements, neighborhoods, and especially the Gangchen Kyishong village, this synthesized⁷⁸⁰ Tibetan expression of ‘Buddhist Modernism’ has effectively secularized the Tibetan political system all the while fortifying a focus on Tibetan Buddhism as the central foundation of collective cultural expression.

As discussed previously, first and foremost, of its own right the Gangchen Kyishong district actively proclaims the legitimacy of Tibetan nationalism to the outside world. Second, the

⁷⁷⁶ HESS, *supra* note 465, at 70.

⁷⁷⁷ RICHARDSON, *supra* note 483, at 243.

⁷⁷⁸ DELEUZE & GUATTARI’S *KAFKA*, *supra* note 29, at 81.

⁷⁷⁹ DELEUZE & GUATTARI’S *A THOUSAND PLATEAUS*, *supra* note 22, at 502.

⁷⁸⁰ Synthesis is defined by WEBSTER’S NEW WORLD DICTIONARY, *supra* note 165, at 1359, as “**1.** the putting together of parts or elements so as to form a whole **2.** a whole made up of parts or elements put together **3.** *Chem.* The formation of a complex compound by the combining of two or simpler compounds, elements, or radicals **4.** *Philos.* in Hegelian philosophy, the unified whole in which opposites (thesis and antithesis) are reconciled.”

Gangchen Kyishong village physically hosts the internal desire for a “Free Tibet”, emanating a controlled energy of industriousness, planning and active discussion for the Tibetan exile to openly imagine their desire for a Tibet, self-governed without direct interference from the PRC. In accordance with Richardson’s observation, yes, this district is undeniably *valuable* to the contemporary world in its ability to attempt a synthesis of the ancient with the modern. More importantly, this district has created an open territory for the Tibetan exile, a place liberated by deterritorialization for activities of minor ideological independence.

Rather than reject the “Four Olds” as advocated during the PRC’s Cultural Revolution, the Tibetan exiles have pursued a path to contemporary modernity by embracing ancient lessons in contrast to the findings of contemporary practice. At home in the Tibetan settlements, religious and lay members of this marginalized population look to bridge the old *with* modernity, to redefine old customs, culture, habits and ideas in reflection of newly decoded elements of modernity. Here, the Tibetan exiles have assembled a sequestered place for Tibetan culture against the storm of progress,⁷⁸¹ a *home* where exiles may actively and collectively reconcile their own native Tibetan culture with the overwhelming impact of globalization.

D.2.3.1. Balancing the Tetravalent Condition of the Assemblage

As discussed in Deleuzean terms, the assemblage acts as specific micro-strata within the greater stratum, one that is expressing its own re-coding over the real historic, social and political landscape from within. The TGiE has been allotted a substantial measure of deterritorialized landscape largely in the fringes of the host nations of India, Nepal and Bhutan. As the TGiE’s operations have been legitimized and supported by the Government of India, the majority of refugees and settlements are both limited by and protected by the Indian nation. This includes the nerve center of the TGiE, otherwise known as the CTA headquarters at Gangchen Kyishong.

This village was built only a few miles north of downtown Dharamsala, established on grounds that were deterritorialized twice over, first by natural causes and then again by political. In 1905, an earthquake literally wiped the landscape clean with a series of tragic landslides. Second, in 1947, the British Empire resigned dominance over India, reconfiguring the status of the McLeod Ganj from a neighborhood named after a former Lieutenant-Governor to a place of no interest to the local Indian population.

⁷⁸¹ See FRAMPTON’S MODERN ARCHITECTURE, *supra* note 48, at 8. Frampton quotes Walter Benjamin’s famous analysis of a Paul Klee painting ‘Angelus Novus’ describing that a “storm is blowing from Paradise,” a storm that represents progress and the erasure of history. Progress according to Benjamin is “one single catastrophe which keeps piling wreckage upon wreckage.”

Located near India's borders with Pakistan and Tibet, this region is in the relative neighborhood of constant military and ethnic tension. Sikh, Islamic, Hindu, and Buddhist religious followers all spiritually share this region of India, and they must cross paths in this strange, beautiful "edge" region between three nuclear powers all attempting to emerge from Third World status at the same time. Here, in the middle of this potentially explosive region of Central Asia, the TGiE has established a headquarters of peace and non-dominance. Here, upon the global strata paradigmatically defined by the demarcations of relative nation-states, the Tibetan exiles have expressly defined an *other* milieu of self-reliance, an assemblage of Tibetan exile nationalism without a national territory.

D.2.3.1.1. Content *and* Expression

As discussed previously, the tetravalent condition of an assemblage is a dual balance of content *and* expression, all the while territorial *and* a product of deterritorialization. Gangchen Kyishong itself clearly conveys a specific content. The urban-architectural form as a single artifact is made of a built environment specifically designed and constructed as the administrative district for the CTA's resettlement operations. Agency buildings, two monasteries, residential dorms, a school, waste facilities, parking structures, and a general social code followed by all inhabitants is the real, physical content of this 'Little Lhasa' outpost.

In balance against the legitimate authority granted by the Government of India, this small district defiantly expresses a greater political desire for recognized Tibetan nationalism. Tibetan nationalism, as it has no cartographic representation or a secured territory free from the encumbrance of exiled status, is an *other* expression against the strata of contemporary nation-states. Built with the volunteered solidarity of Tibetan refugees, the CTA operations convert these refugees into agents for an exile movement of Tibetan national autonomy.

Balancing content and expression, the dual titles of the same physical district as the "Central Tibetan Administration" *and* the "Tibetan Government-in-Exile" evidences this balance to the outside world. According to the power granted the Tibetan exiles by the Government of India, officially the Gangchen Kyishong village is simply a headquarters for refugee rehabilitation, in other words the CTA. But, according to the Tibetan exiles expressing their desire for political autonomy from the PRC, the Gangchen Kyishong village is the political platform for Tibetan freedom known as the TGiE. This political expression is made against the wishes of the Government of India, as it elicits condemnation from its eastern and not always friendly neighbor, China.

This balance was recognized in Richardson's observations of a 1959 press conference when he wrote the following:

When the Dalai Lama was asked whether Tibetans still recognized him as the Ruler of Tibet he replied, 'Wherever I am, accompanied by my government, the Tibetan people recognize us as the government of Tibet.' ... The Indian Government disapproved of the Dalai Lama's appeal to the United Nations which they found embarrassing in their relations with China. ... But the Dalai Lama himself was convinced that it was the only course left to him. He is understood to have impressed Nehru with his frank sincerity when assuring him that he was deeply concerned at causing embarrassment to the Government of India, to which he was so much indebted, but that he did not think there was anything the Chinese could do to make the life of the Tibetans worse and that he could not escape his duty to his own people.⁷⁸²

Even today, the Dalai Lama continues to balance the Indian allowance of CTA refugee authority with the Tibetan desire for independence in his use of multiple languages. When discussing the hopes of Tibetan relocation in the homeland in the English language, the Dalai Lama uses terms such as 'autonomy' and 'federation,' terms that align well with the officially accepted Middle-Way doctrine.⁷⁸³ In contrast, when the Dalai Lama speaks of the same desire in his native Tibetan language, he uses the term 'rangzen' which translates directly as 'independence.'⁷⁸⁴ Both in the spoken and built linguistics of language employed by the Tibetan community in exile, a balance between the content and expression continues in the details and in the subtle meaning changes with translation. This too illuminates the basis of continued Chinese agitation with the "Tibet Problem" as the Tibetan exiles continue their overt refusal in language and built expression to succumb to the cultural dominance of the PRC in the Tibet.

The balance between the content of refugee rehabilitation and the expression of Tibetan nationalism is also slowly emerging in the expression of the Gangchen Kyishong buildings themselves. Over the years, the Tibetan Parliament-in-Exile has evolved in its meaning, name and expressiveness to both the internal Tibetan exile community and the outside world. Beginning as the "Commission of Tibetan People's Deputy," the first version of this organization was largely an administrative arm of the TGiE, appointed by the Dalai Lama for refugee activities. This organization initially was housed in a small bureaucratic building with no signage or indication of political purposes (See **FIGURE 94**). As the organization democratized, its name changed to the Assembly of Tibetan People's Deputies, and then to the "Parliament-in-Exile of Tibet" (See **FIGURE 94**). Finally, the name of the organization was updated to its

⁷⁸² RICHARDSON, *supra* note 483, at 217 - 218.

⁷⁸³ ROEMER, *supra* note 452, at 86-7.

⁷⁸⁴ *Id.*

current moniker as the “Tibetan Parliament-in-Exile” in 2006 (*See* **FIGURE 94**). As these names have changed over the years, their indicative title has literally been painted on the sign over the now-permanent parliamentary building.

Having begun as simply another organization tasked with refugee rehabilitation, today the Tibetan Parliament-in-Exile openly legislates on behalf of the Tibetan exile community in a nationalistic manner. Further, the parliamentary building has a sign over its front door that simply reads in English and Tibetan: Tibetan Parliament-in-Exile. In spite of the clear limitation of CTA activities to refugee rehabilitation by the Government of India, this prominent building on the CTA’s most important square openly projects the political desires of the Tibetan exiles for national independence. Bold and subtly subversive to their Indian hosts, this parliamentary building establishes the threshold of balance, straddling the CTA-TGiE’s content *and* expression.

D.2.3.1.2. Territorial *and* a Product of Deterritorialization

As to the second balance pair in the Deleuzean tetravalent condition, Gangchen Kyishong has a defined territorial basis and is a product of deterritorialization. The clearest indication of the village’s territorial basis is the fact that it has a scientifically dignified and engineering-appropriate land survey. Commissioned with a licensed engineering firm based in Chandigarh, the Gangchen Kyishong village has been surveyed to scale with indicative borders, topographical data, building locations, building uses, and relative sizes (*See* **FIGURE 51**). Upon entering the village, a large gate telling of the village’s name and purpose are written in large contrasting letters (*See* **FIGURE 68**). Contrasting with the other neighborhoods surrounding McLeod Ganj, the CTA headquarters has a built environment of unique character, design, and social practice. The Gangchen Kyishong, as an exhibition of Tibetan exile administration, has an overtly territorial basis, constructed with clarity and detail of Tibetan nationalism as proof of that territorial definition.

Just the same, the Gangchen Kyishong village is wholly the product of Tibetan deterritorialization. The village was purposefully built to administer the refugee affairs of an entire national apparatus forcefully deposed of their native territory. As the provincial definition of the Tibetan territory as “Tibet” was overtaken by a new definition as the PRC’s “rightful” territory, what was known as Tibet is now recognized as a province of “China.” Within and without, those continued citizens of the former, lost Tibet have been deterritorialized; literally dislocated due to the stripping of their originating national orientation.

Logistically, ideologically, culturally and nationally, the Gangchen Kyishong village is a product of this Tibetan national deterritorialization committed by the PRC from 1950 - 1959. The Gangchen Kyishong village was specifically set aside for and developed on the premise of allocating physical space to the marginalized population of Tibetan exiles. Even today, it is envisioned by the Tibetan exile administration that once “freedom” is secured in the Tibetan homeland, all CTA-TGiE activities will unwind and all refugee-exiles will return to Tibet.

D.2.3.2. Decoding of Territory for Equity

The Tibetans have for millennia lived as neighbors to the Chinese. Cultural dominance has flowed in both directions, east and west, but to the Chinese credit, political dominance has largely flowed westerly as a force of Sino-centric power over the Tibetan plateau. In spite of this history, international, or rather *inter-kingdom* relationships prior to the Western introduction of cartography were conceptually very different than contemporary definitions of the nation-state. Richardson describes the Sino-Tibetan relationship prior to the rise of the PRC as one of a common Central Asian arrangement, what he describes as the ‘Patron and Priest’ reciprocal relationship.

With the ‘Patron and Priest’ arrangement, “temporal support of a lay power is given in return for the spiritual support of the religious power.”⁷⁸⁵ Over the centuries, the central Tibetan Lhasa administration had allowed the Chinese to keep Ambans (usually two Chinese civil officers) in Lhasa to represent the interests of the Chinese empire in Tibetan affairs. Typically, these civil officers were well protected by a small garrison stationed in Lhasa.⁷⁸⁶ This relationship definitively ended in 1910 under the XIIIth Dalai Lama, whereby the Lhasa Administration severed all political association with the Chinese after continued disagreement regarding Tibet’s eastern border with China. The complete independence of Tibet lasted until 1950, at which point the PLA occupied eastern Tibet on behalf of the recently victorious Communist Party of China.

Tensions continued to grow between these nations as they both adapted to Western forms of nationhood. By 1950, what began as inter-border posturing became outright battle, leading to a military campaign that did not fully cease until the mid-1970’s when the Mustang Guerrilla

⁷⁸⁵ RICHARDSON, *supra* note 483, at 41 - 42. See also ROEMER, *supra* note 452, at 149. Here Dr. Roemer outlines how the “traditional priest-patron relationship has been transformed. While the exile Tibetans act as clients through receiving generous aid, Westerners in return get the blessing of exile Tibetan dignitaries.”

⁷⁸⁶ *Id.* at 52.

forces withdrew from Tibet and were settled in Nepal.⁷⁸⁷ At the point of the established Chinese security over Tibet, it is suspected that the PRC undertook an aggressive campaign of overcoding regarding the historic-political relationship between Tibet and China. To counter, the exiled Lhasa administration also aggressively reported of Chinese atrocities occurring in Tibet, reports that were based on refugee testimonials as to condition in PRC-controlled Tibet. As is to be expected, today it is believed that both the Tibetans and the Chinese inflated and biased their own information so as to attract the favor of the international community in terms of the politics of Tibet.

Over time and as the Tibetan exile community has sought collective equity for the marginalization they experienced under the dominance of the PRC, the information expressed in the 1950s has undergone intense scrutiny from both sides. As both adversarial proponents have employed improved data sources, established practices and data analysis, the pursuit of equity by the deterritorialized community has in itself decoded the greater strata.

This equity-seeking machine, in effect, *is* the village of Gangchen Kyishong. In housing the TGiE apparatus, the Gangchen Kyishong district allows for the personnel, the infrastructure, and the media output capacity to continue a serious international dialogue in regards to the actions of the PRC as it concerns Tibet. As well, this apparatus has forced the TGiE to fact-check and develop a healthy measure of self-criticism so as to improve the conditions of Tibetan exile community. As the TGiE desires the capacity to not only resettle but to govern the future Tibetan nation, the organization's agents appreciate their duties in terms of geo-political ends. Eventually, a dialogue has emerged as to both the internal capacity of the TGiE as well as to an appropriate accounting of the inequities perpetuated by the PRC in its methods of dominance over Tibet.

Evidence of such a process of decoding is evident in two of the articles I have used consistently in this case study. First, as to internal criticism, the recently elected Kolan Tripa Lobsang Sangay has for years studied and criticized the short-comings of the TGiE's democratic sophistication. In 2003, he pointed out the overbearing nature of the Dalai Lama's own siblings in the administration of the TGiE.⁷⁸⁸ Further, he wrote about the limitations and internal problems of the TGiE's development in his article *Tibet: Exiles' Journey*, also published in 2003.⁷⁸⁹

⁷⁸⁷ Two settlements in Nepal were created for the defeated Mustang Guerrilla forces in Nepal, both initiated in roughly in 1974. They include the Jampaling and Paljorling Settlements outside Pokhara, Nepal. See *Paljorling Tibetan Handicraft Center, Pokhara*, *supra* note 606. See also *Jampaling Settlement, Helitar, Paljorling District*, *supra* note 606.

⁷⁸⁸ ROEMER, *supra* note 452, at 91.

⁷⁸⁹ Sangay's *Tibet: Exiles' Journey*, *supra* note 551, at 124 - 125.

Perhaps more indicative of the decoding of the strata are the efforts taken by Chinese sources to defend the actions of the PRC with internationally recognized procedures of statistical analysis. With Hao's *Tibetan Population in China: Myths and Facts Re-examined*, the author is quite convincing, systemically accepting and questioning points of contention expressed by the TGiE. Here, Hao shows respect to many of the techniques employed by the contemporary TGiE, as both the Chinese and Tibetan analysis has vastly improved since 1950 when the PLA marched into eastern Tibet.

As Hao goes point by point regarding TGiE assertions, a much clearer picture of Tibetan demographic trends emerges. This article, although defending the PRC's course of action for an international academic audience, substantively expresses the positive will towards Tibet by China at the same time it accepts many of the assertions of marginalizing nuisance complained of by the TGiE. This process of open and adversarial writing actively decodes the dominant culture's expression, providing a clearer picture of the impacts of PRC-centric globalization in Central Asia.

Beyond housing the very instruments of this equity-seeking mechanism employed by the Tibetan exiles, the Gangchen Kyishong village in its expression of the built environment itself decodes a territory of the strata as an assemblage. In discussing the very nature of the TGiE's activities in reaction to the PRC, the Dalai Lama stated the following:

Truth has its own strength. So as time goes by, something truthful starts to grow, becomes stronger and stronger. Like the Tibetan cause, or also my position regarding Tibetan Buddhism, or some of our activities in India. At the beginning, perhaps it wasn't very popular, but as time goes on, it becomes well accepted. When something is truthful, its truthfulness becomes clearer and clearer.⁷⁹⁰

Gangchen Kyishong has indoctrinated a decoded "truth" all its own regarding the Tibetan exiles, the PRC's dominance of Tibet, and India as the host of this subtly subversive international effort. First and foremost, the Dalai Lama's leadership is genuine and provides a powerful spiritual connection for Tibetans in Tibet.⁷⁹¹ Each year, thousands of refugees and pilgrims continue to come to the Dharamsala settlement to receive the blessing of the Dalai Lama, to visit the Tibetan Library, and to be an active part of the Tibetan exile movement for independence.⁷⁹² This

⁷⁹⁰ HESS, *supra* note 465, at 70.

⁷⁹¹ Sangay's *China in Tibet*, *supra* note 549, at 4. See also Karan, *supra* note 487, at 13. In Karan's discussion of "if ever the Dalai Lama returns," he is indirectly discussing the continued importance of the Dalai Lama to the lives of native Tibetans in the homeland at the same time he is critical of China's policy of "restricted religious freedom and civil rights."

⁷⁹² ROEMER, *supra* note 452, at 60 - 61.

administrative district itself is a beacon for these refugees and pilgrims; the Gangchen Kyishong village represents a specifically Tibetan hope for the future.

As it concerns the “truth” of an operating government embodied in the TGiE’s operations, the legitimacy of the TGiE as an honest democratic institution is difficult to achieve or even recognize from an outsider’s perspective. Dr. Roemer outlines an exhaustive list of the inadequacies of the TGiE’s literal governing apparatus as applied to the Tibetan exiles, citing primarily that the Tibetan Buddhist brand depends on its mystic nature and all recognized leadership has emanated from the Dalai Lama himself. My own observations both validate her findings and tell of the transformation of the Tibetan exiles in building their own capacity for legitimate self-governance. In essence, I believe the Tibetan exile community has at the behest of the Dalai Lama begrudgingly developed their own administrative capacity for self-governance, spurred forward largely with both the positive reinforcement of the Western world and the negative reinforcement of witnessing the PRC’s form of dominance over the whole of China.

In spite of the Tibetan exile’s inadequacies as pointed out by Roemer,⁷⁹³ these democratic shortcomings do not take away from the exiled Tibetan’s minority enunciation in terms of rejecting the dominant culture as expressed by the PRC. As to the decoding of the Gangchen Kyishong “territory”, this hyper-administrative and overtly clear demonstration of a governmental district is itself telling of the superficial value of the Tibetans’ first attempt at Western-style governance. In the same manner that Venturi suggested monumental buildings should simply be an efficient shed with a placard that reads “I Am A Monument” (See **FIGURE 41**), the entire TGiE district itself is a cluster of typical Indian vehicular buildings (efficient), with clear placards that in sum read “I Am the Tibetan Government.”

Further, the actual vitality and commitment of the Tibetan exiles to this movement tells of the truth of the Tibetan “nation” in regards to the PRC. In essence, Tibetan exiles believe they have a legitimate right to a Tibetan nation. In furtherance of this believe, they have bolstered their own national identity in exile so as to “rightly” demand autonomous self-rule in Tibet. Telling of the impact of the power of this national identity, since 2003 Chinese authorities have continued annual diplomatic negotiations with TGiE, targeting an end to such negotiations when the “Tibet Problem” is finally solved. Again, as the PRC itself recognizes the unique circumstances of Tibetan nationalism, Chinese scholars today openly discuss the possibility of revisiting a “one-

⁷⁹³ *Id.* at 162-165. Here, Roemer outlines seven major deficiencies in the TGiE’s expression of legitimate democracy.

country, two systems” approach to Sino-Tibetan rule.⁷⁹⁴ This typically nationalistic relationship between the PRC and TGiE is indicative of the decoding impact of the assemblage.

Finally, the Gangchen Kyishong village itself indicates the truth of the Government of India’s intentions for its Tibetan exiles. First, as discussed before, the Indians enjoy the increased tourism brought by the Tibetan settlements and activities. Second, in hosting the exiled population, it is understood that the Government of India appreciates its own flexing of national sovereignty, standing up to its Chinese neighbors in a dyad of Central Asian dominance.⁷⁹⁵ But, in granting the CTA legal authority for the intra-Indian affairs of the Tibetan exile settlement administration, it is suspected that the Government of India enjoys shifting the responsibility of Tibetan national intentions to the CTA itself so as to avoid further Chinese military aggression and attacks.⁷⁹⁶ Finally, India as a young nation gaining prominence as an emergent First World economy, enjoys the praise, indirect financial support and heightened respect received from the international community in part due to its treatment of the Tibetan exiles.

Although there is direct language of the unwinding of the CTA’s operations upon the event that freedom is found in the Tibet, when one visits the Gangchen Kyishong village and witnesses first hand the major investment the Tibetan exiles have made in India, as well as the heroic measures of accommodation India has afforded to host the Tibetan exiles, it is impossible to imagine this nerve center would simply be vacated overnight. Dharamsala is now linked in perpetuity to the contemporary Tibetan identity, and that collective identity has as its focus the Gangchen Kyishong district headquarters. For such reasons, even if the TGiE is no longer strictly necessary in terms of politically promoting Tibetan nationalism, the decades of Tibetan Diaspora will keep the Tibetan exiles in India for generations. In fact, in the past half-century, one could interpret with hindsight that the events of Tibetan exile have been afforded based on a continuation of the longstanding friendly relationship between the two nations, a relationship that has existed since the very the beginning of Tibet itself.⁷⁹⁷

Above and beyond the other Tibetan settlements, the Gangchen Kyishong village is a pivot point between Tibetan exiles, the PRC, the Government of India, and the greater international

⁷⁹⁴ Hao, *supra* note 487, at 12.

⁷⁹⁵ RICHARDSON, *supra* note 483, at 216 - 217, 231. Here, Richardson explains the two-way street India entertained with China regarding Tibetan affairs. The Indians enjoy the privilege of protecting the Dalai Lama and his exiled population, but do not recognize any claim by the Tibetan exiles to a right to national independence. Further, the Government of India from the start has maintained an open-door policy for Chinese parties to visit and practice diplomacy with the Tibetan exiles in India. Telling of this drawbacks of this two-way approach, the Government of India, although having not recognized the claims of a Tibetan nation prior to the 1950 occupation does rely on direct treaties made with the Tibetan nation in establishing the McMahon Line demarcating the border between India and Tibet.

⁷⁹⁶ ROEMER, *supra* note 452, at 71.

⁷⁹⁷ RICHARDSON, *supra* note 483, at 31.

community. Built from a ruined landscape, the Tibetan exiles have undertaken a perpetual process of cultural decoding from within their hyper-administrative district. In essence, regardless of the true investment Tibetan exiles have made in the democratic process of secular leadership, this community has consistently proclaimed a right to communal equity on behalf of all Tibetans who have ever suffered under the dominance of the PRC. Within this nine acre parcel granted to the Tibetan exiles for the creation of an administrative headquarters, a new territorial awareness exists of outright *other*-ness, cobbled together from an ideological cluster of Indian, Tibetan, and Western cultural artifacts. Here, this marginalized population has successfully attempted to decode a portion of the dominant culture in furtherance of communal equity and a burning political desire for a self-governed Tibet. Immediately following are **FIGURES 85** through **97**, figures which go into further detail regarding a graphic analysis of the Tibetan Government-in-Exile case analysis. After that graphic analysis, **FIGURES 98** through **114** graphically detail the results of the physio-logical evaluation and newspaper analysis of the Tibetan Government-in-Exile case study.



(CLOCKWISE) (a) (TOP) Downtown New Delhi. (b) (ABOVE) New Delhi roadway at stoplight. (c) (RIGHT) New Delhi hotel district for travelers, very near the primary train station and open markets. (d) (BOTTOM RIGHT) Strip commercial on outskirts of New Delhi. Shops are built with open facades for ventilation & daylight.



FIGURE 85. New Delhi

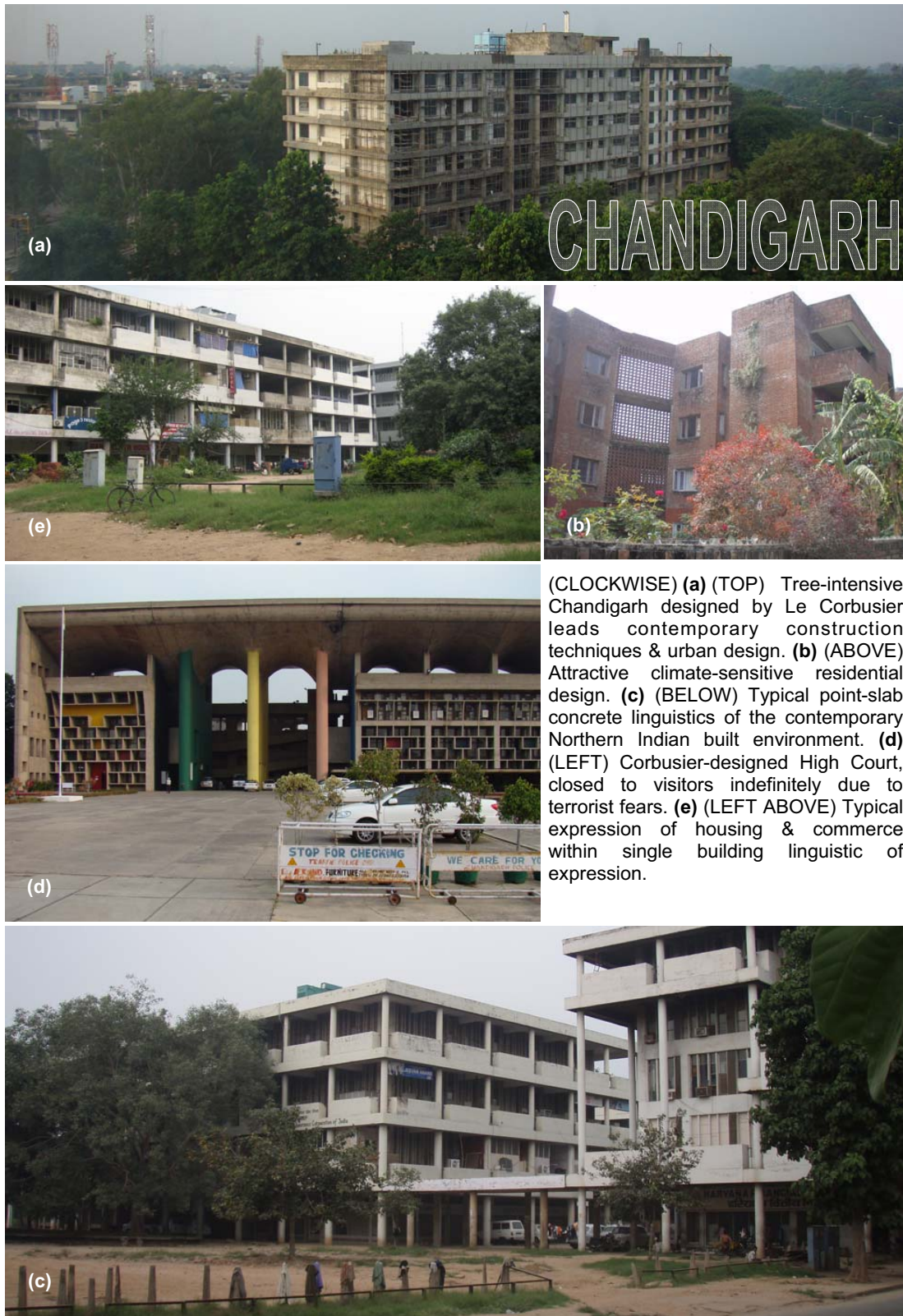


FIGURE 86. Chandigarh



(CLOCKWISE) **(a)** (TOP) Downtown Chandigarh is located in Sector 17, shown filled with the afternoon rush of locals. **(b)** (BELOW RIGHT) Sector 17, mixed-use and busy with pedestrian traffic. **(c)** (BOTTOM RIGHT) Within Sector 17, patrons solicit professional services in the open air outside physical office locations. **(d)** (BOTTOM LEFT) Layers of auto, moped & bicycle parking surround each building courtyard. **(e)** (BELOW LEFT) Open air professional advice including legal, tax and visa services are provided.



FIGURE 87. Sector 17

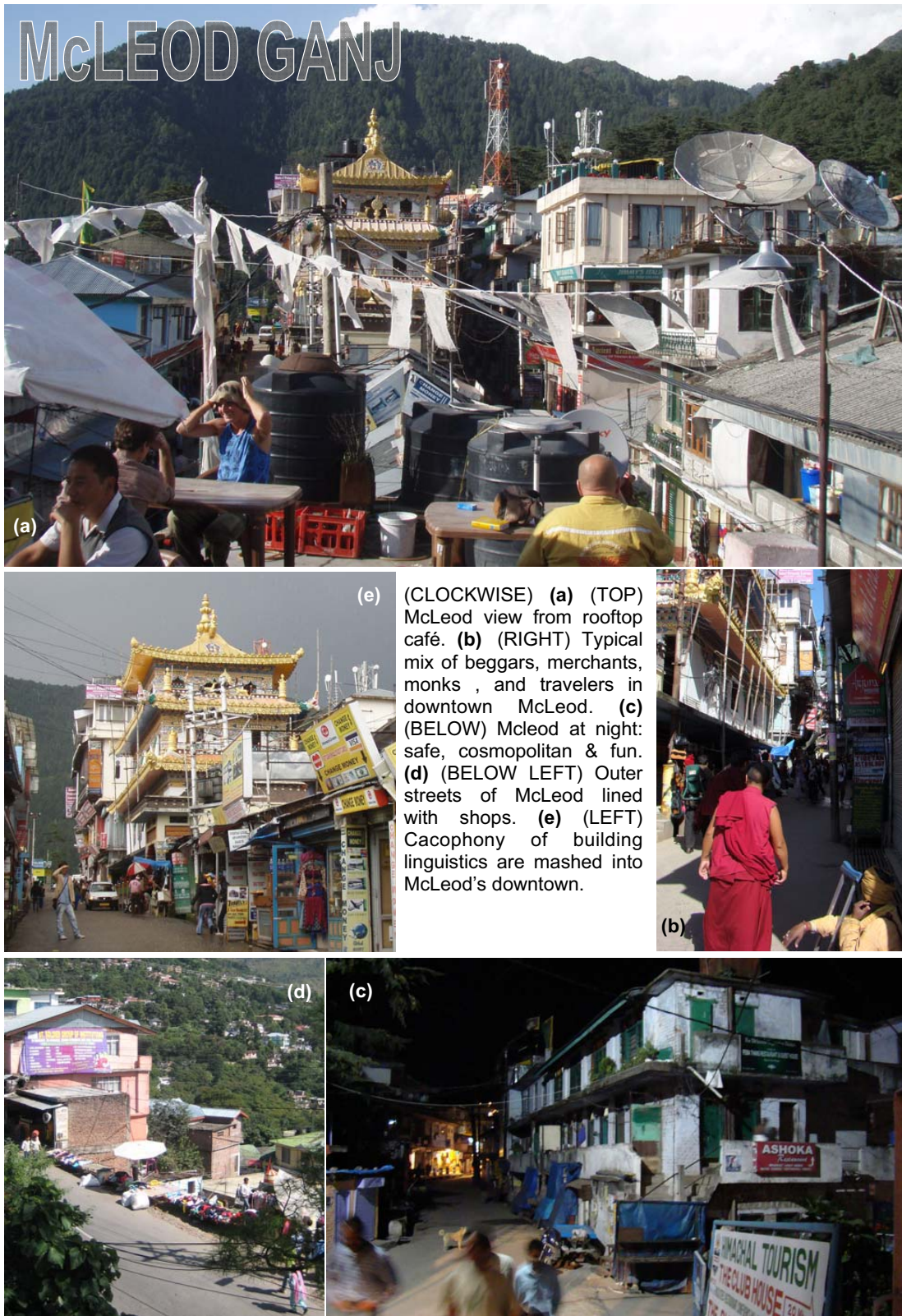


FIGURE 88. McLeod Ganj (i)



(CLOCKWISE) (a) (LEFT) True to the meaning of 'ganj' as *market*, vendors of all sorts push their wares in the streets of McLeod. Here, the mixed-use downtown neighborhood bustles even in heavy rain. (b) (TOP RIGHT) On the quieter east side of McLeod, massage, medicine, and hospitality services are popular. (c) (ABOVE) Indian merchants wait for the rain to relent. (d) (BOTTOM) No space is wasted in the main bazaar of McLeod.



MCLEOD GANJ

FIGURE 89. McLeod Ganj (ii)



(a)



(d)

(CLOCKWISE) (a) (TOP) Main Temple "Tsuglagkhang Complex" on the southeast McLeod edge defines a second community purpose as global spiritual destination. (b) (RIGHT) Packed donkeys freight supplies in & out of inner McLeod. (c) (BOTTOM) McLeod's status as spiritual destination supports a high-quality cluster of hill-side residential neighborhoods. (d) (LEFT) The resort function of McLeod is dominated by a domestic linguistic expression of urbanism.



(b)



(c)

McLEOD GANJ

FIGURE 90. McLeod Ganj (iii)



FIGURE 91. TGie Urban Threshold

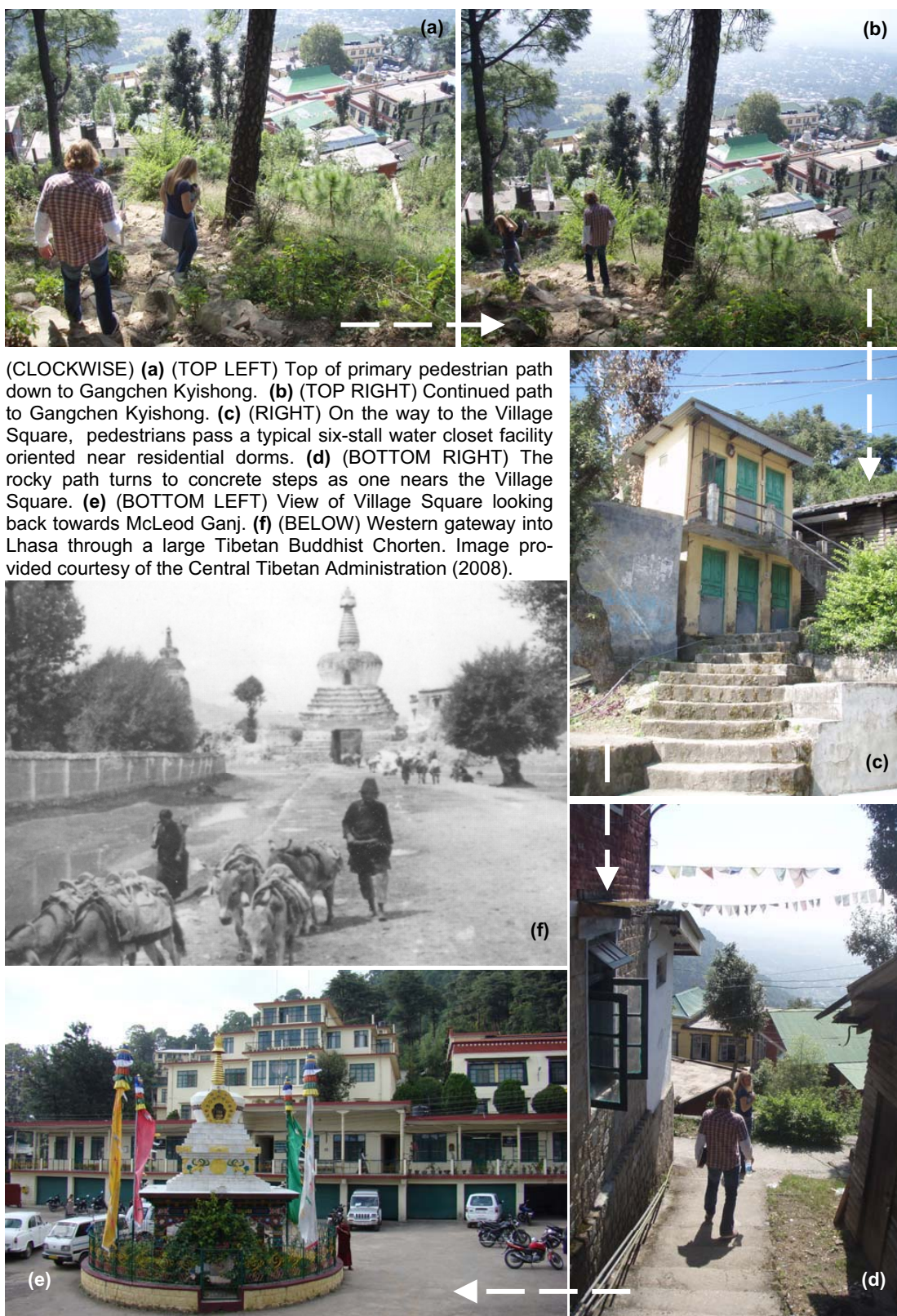
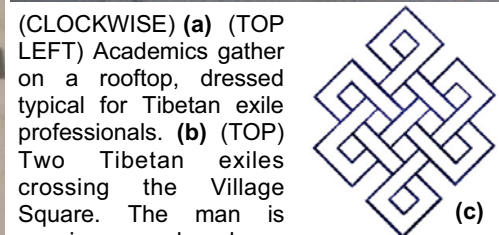


FIGURE 92. Descending into Gangchen Kyishong



(CLOCKWISE) (a) (TOP LEFT) Academics gather on a rooftop, dressed typical for Tibetan exile professionals. (b) (TOP) Two Tibetan exiles crossing the Village Square. The man is wearing normal work apparel while the woman exhibits the mixed western-traditional dress worn in CTA offices. (c) (ABOVE RIGHT) Tibetan Buddhist symbol the "Endless Knot." (d) (BELOW) Pilgrims circuit the Tibetan Library. (e) (BELOW LEFT) Inside the Chief Planning Officer Dr. Kunchok Tsundue's bureau. (f) (LEFT MIDDLE) The "Endless Knot" is popular as an architectural detail in CTA buildings as the symbol reminds viewers that future positive effects have their roots in the causes of the present.



FIGURE 93. Gangchen Kyishong (i)



(a)



(e)



(b)



(c)



(d)

RIGHT) Tibetan Parliament-in-Exile building & sign today. (d) (ABOVE LEFT) Official symbol of the CTA and the Tibetan Government-in-Exile incorporating a multitude of Tibetan Buddhist and national symbols. (e) (LEFT COLUMN TOP) The traditional Tibetan fenestration & ornamental casing. These features are used regularly for most portals, including doors and gateways.

FIGURE 94. Gangchen Kyishong (ii)



FIGURE 95. Gangchen Kyishong (iii)

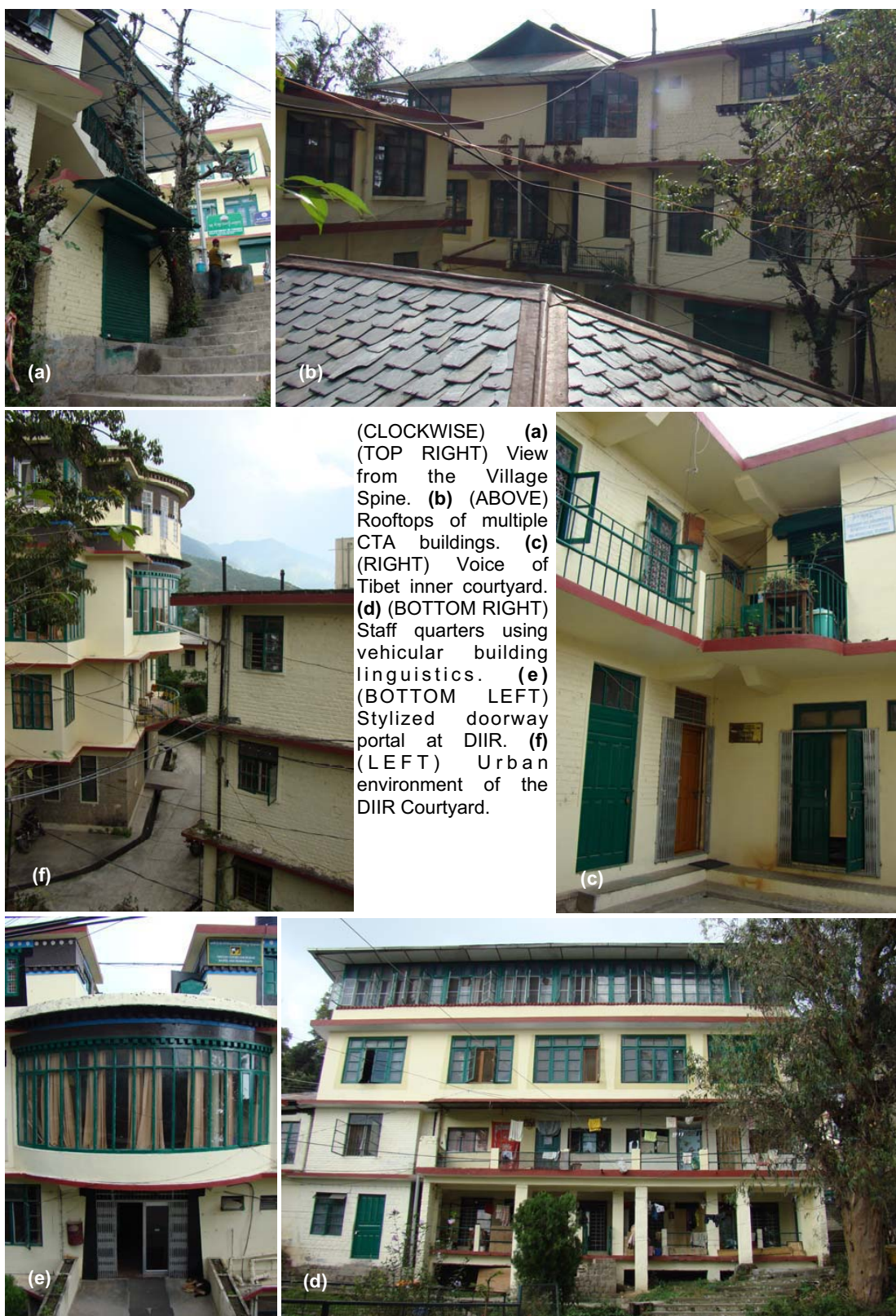
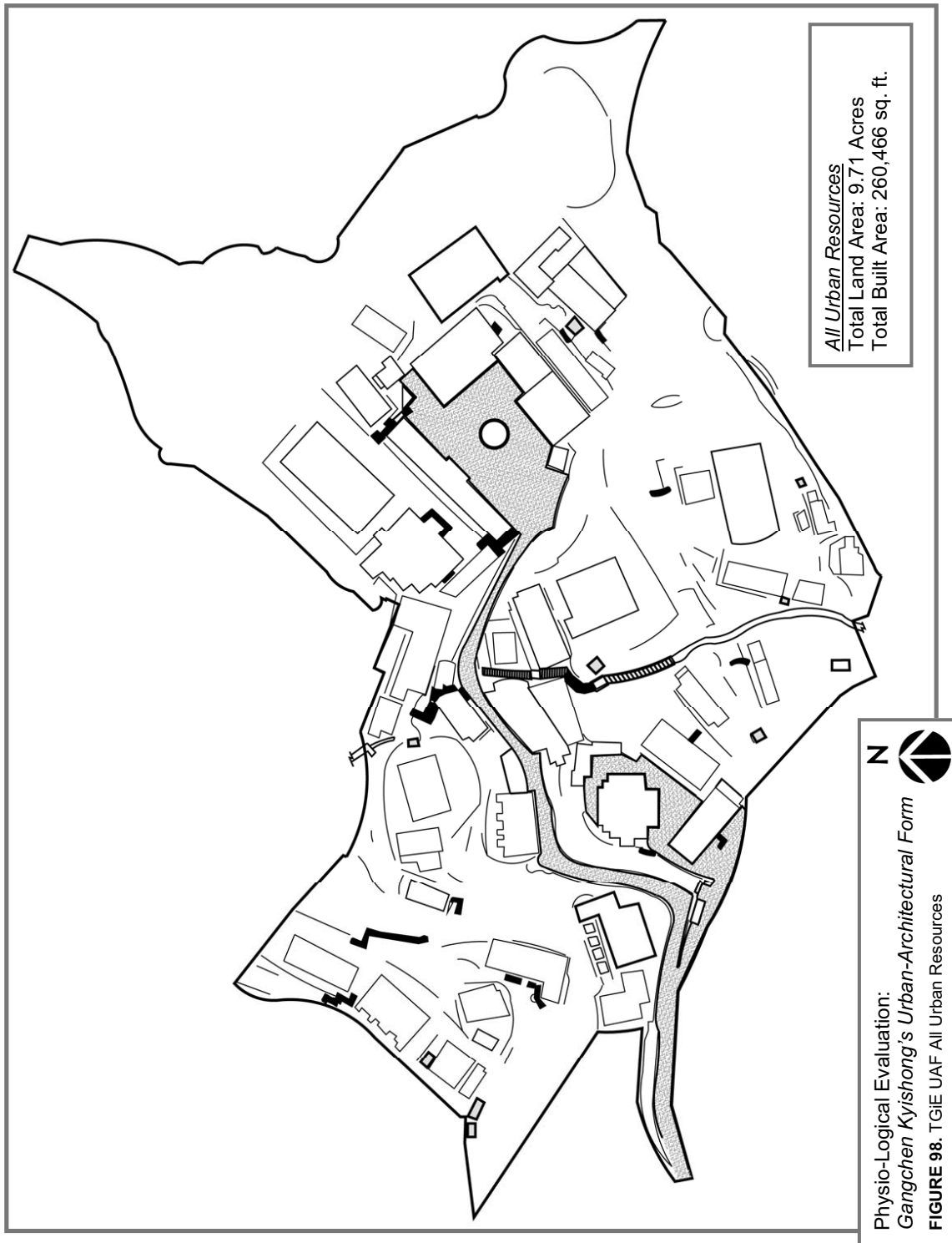
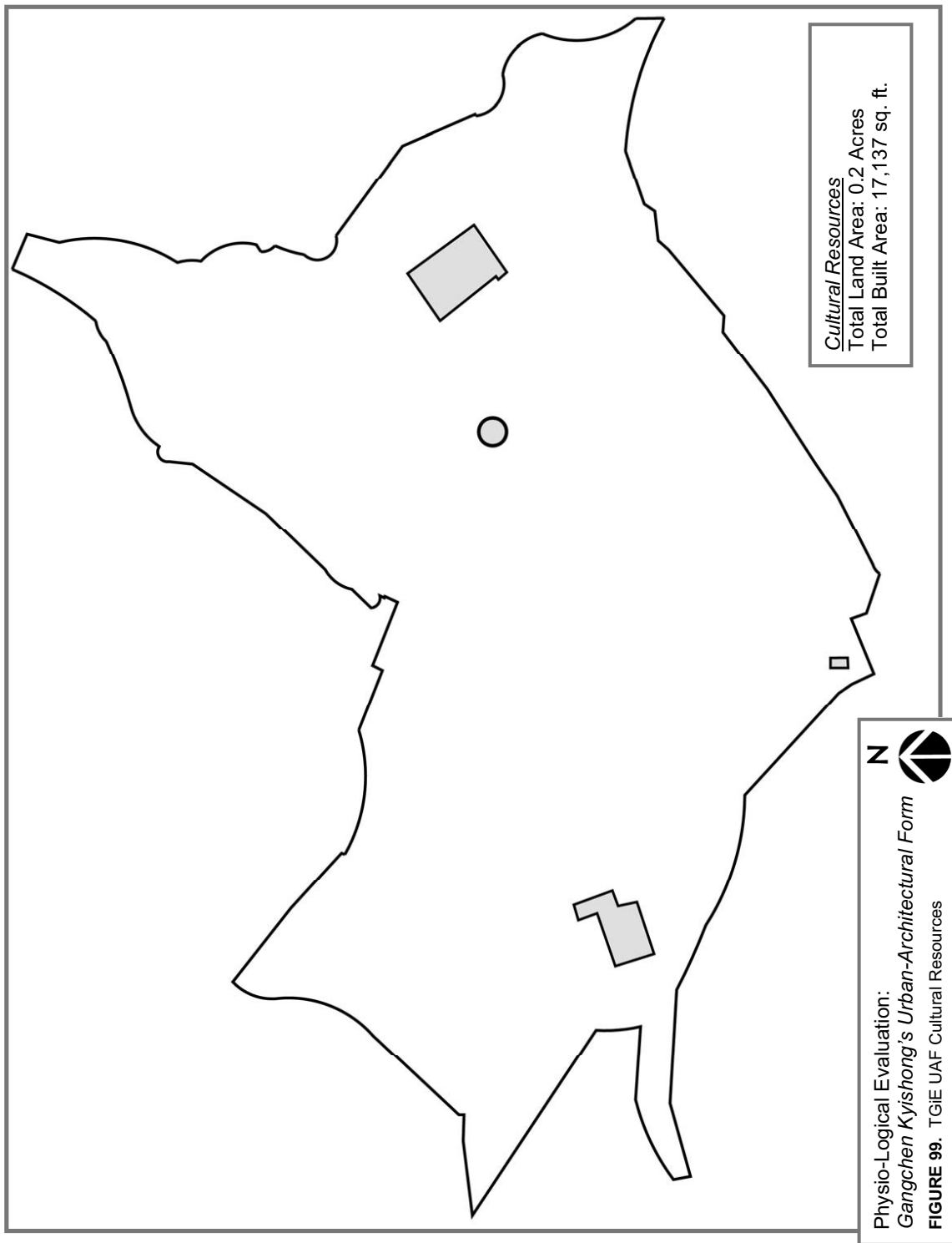


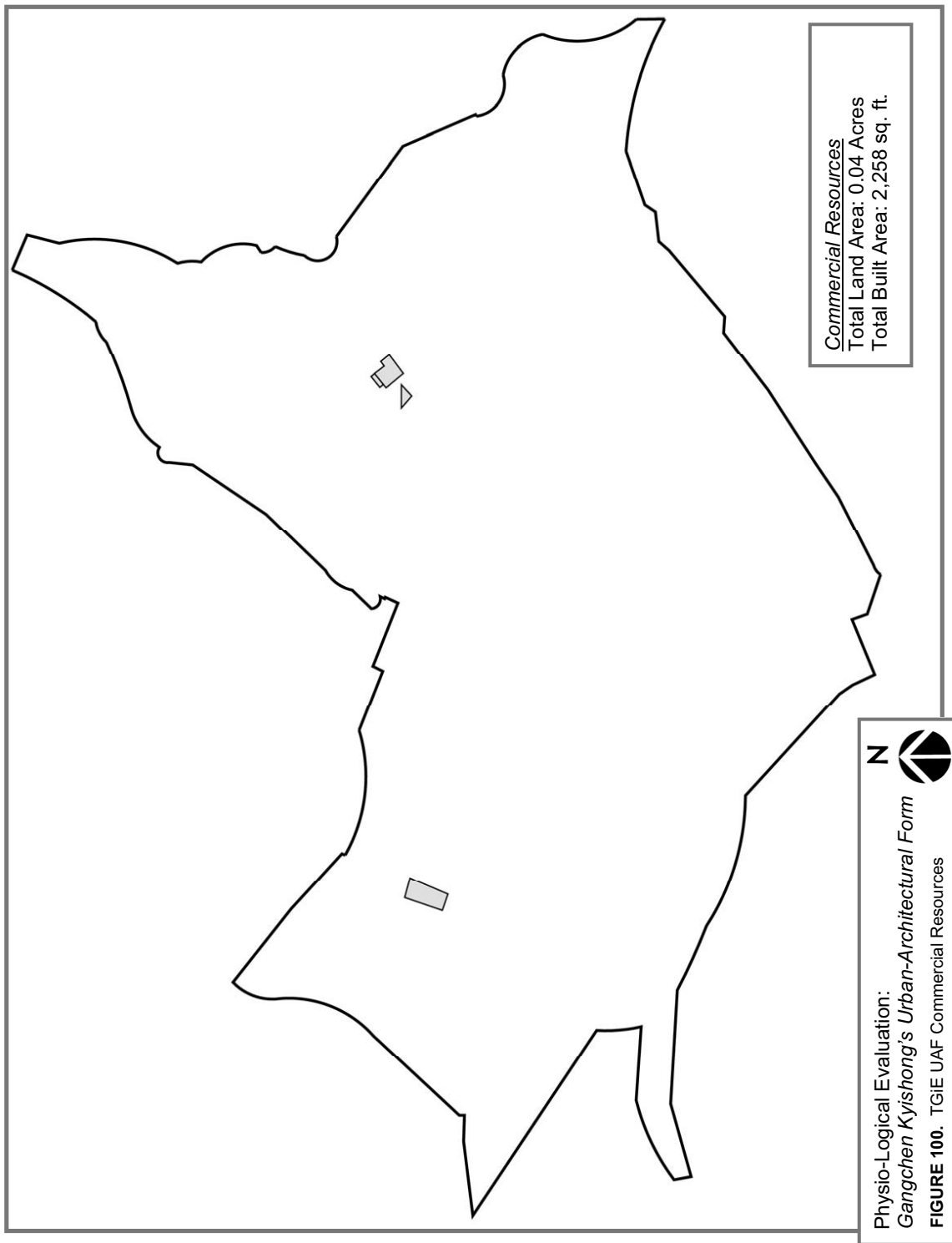
FIGURE 96. Gangchen Kyishong (iv)

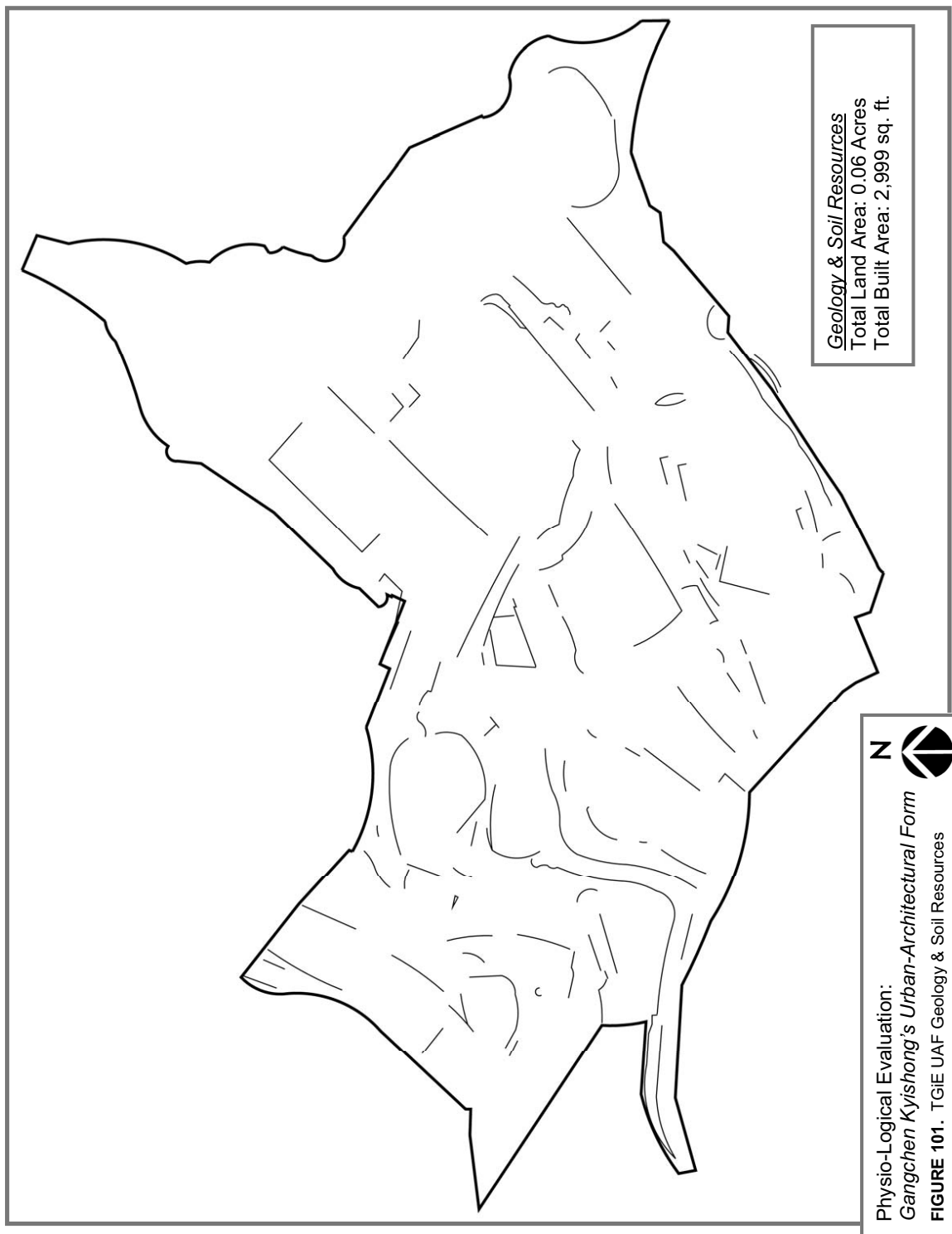


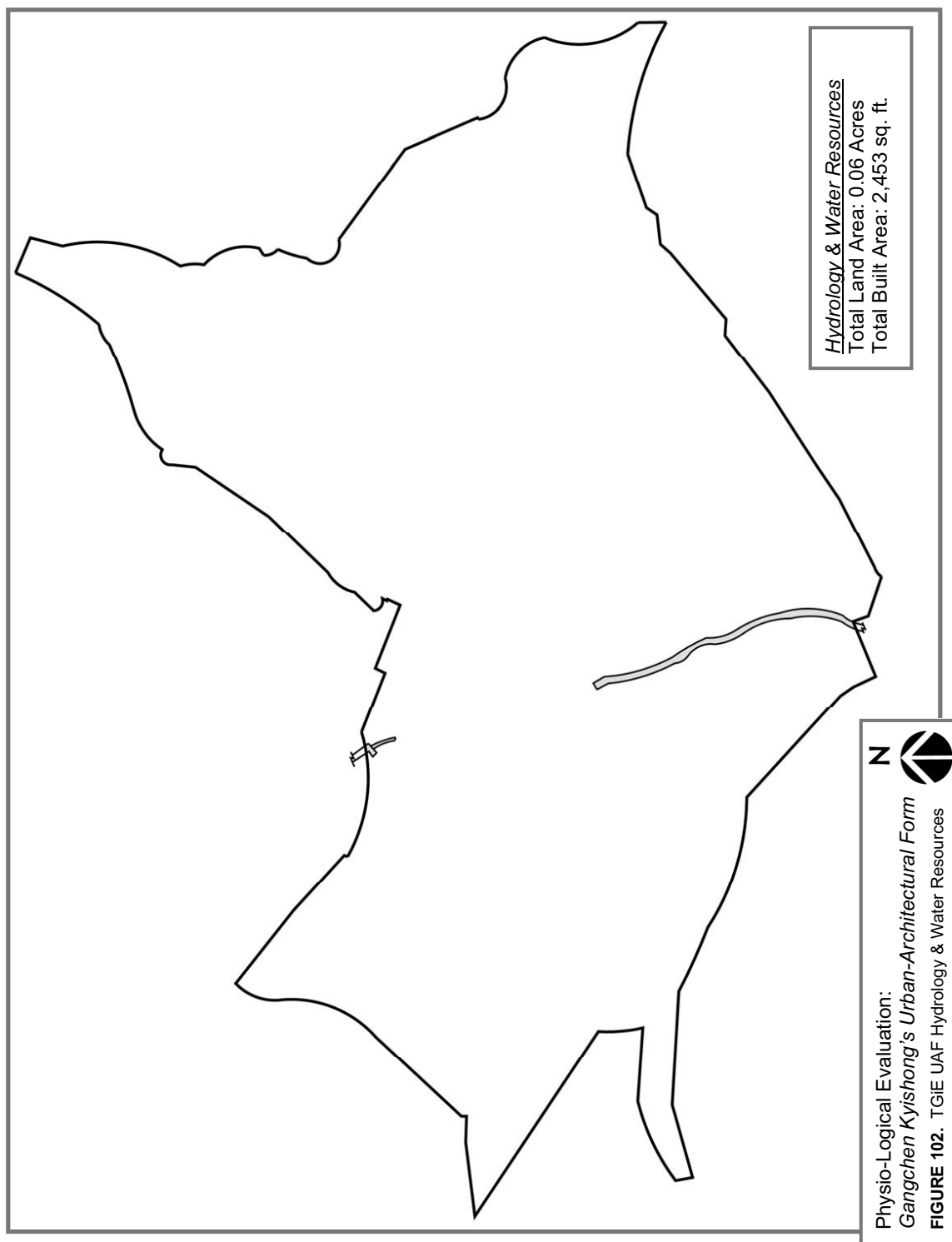
FIGURE 97. Gangchen Kyishong (v)

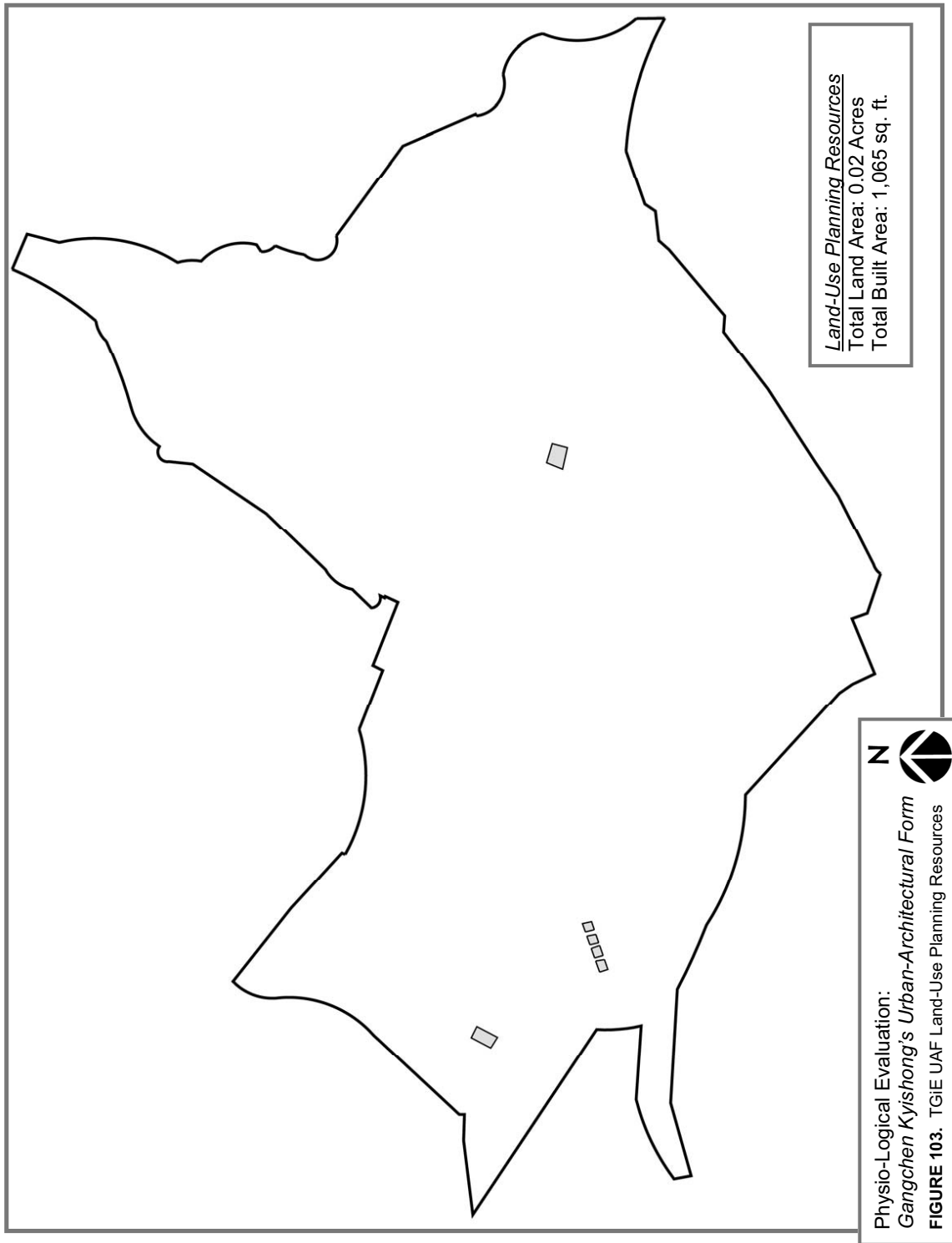


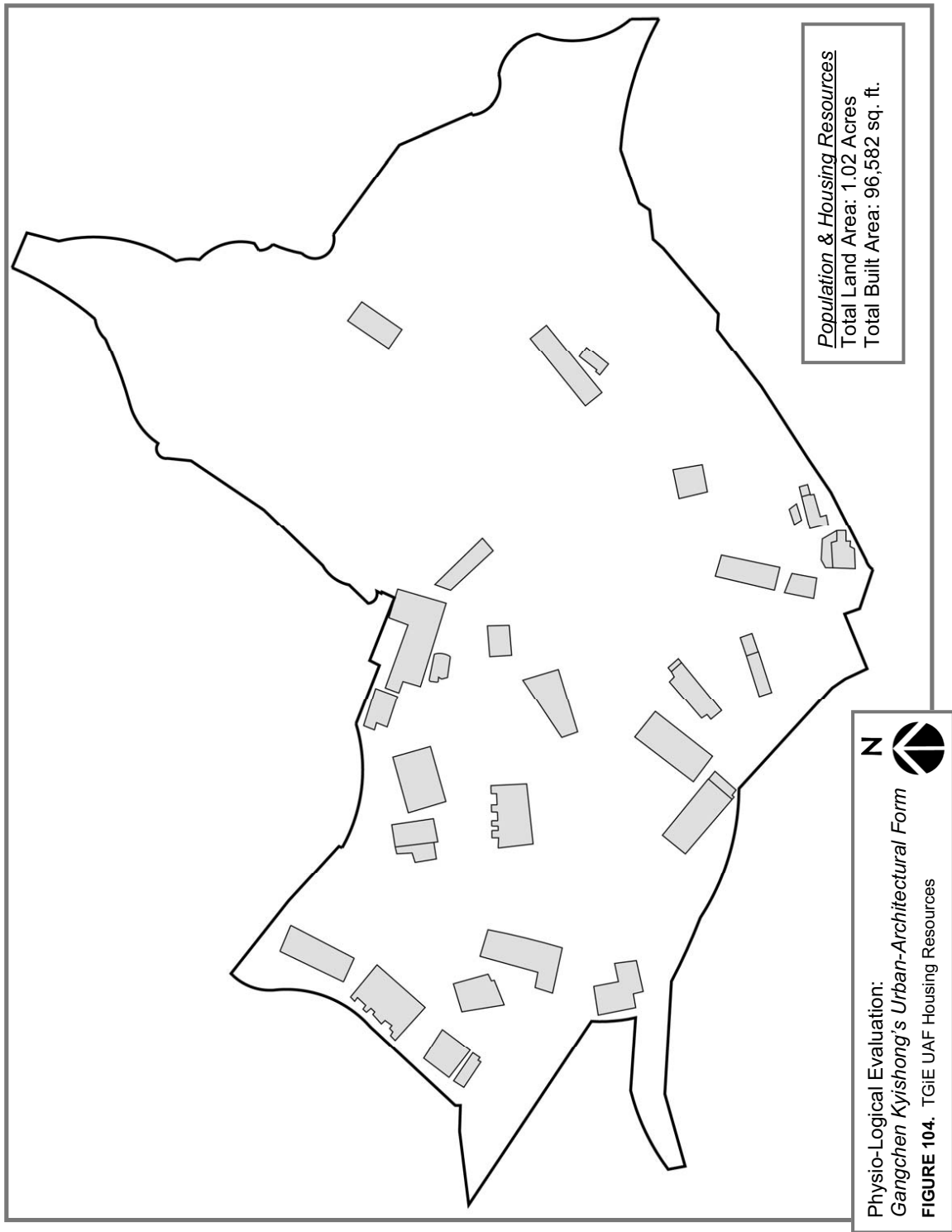


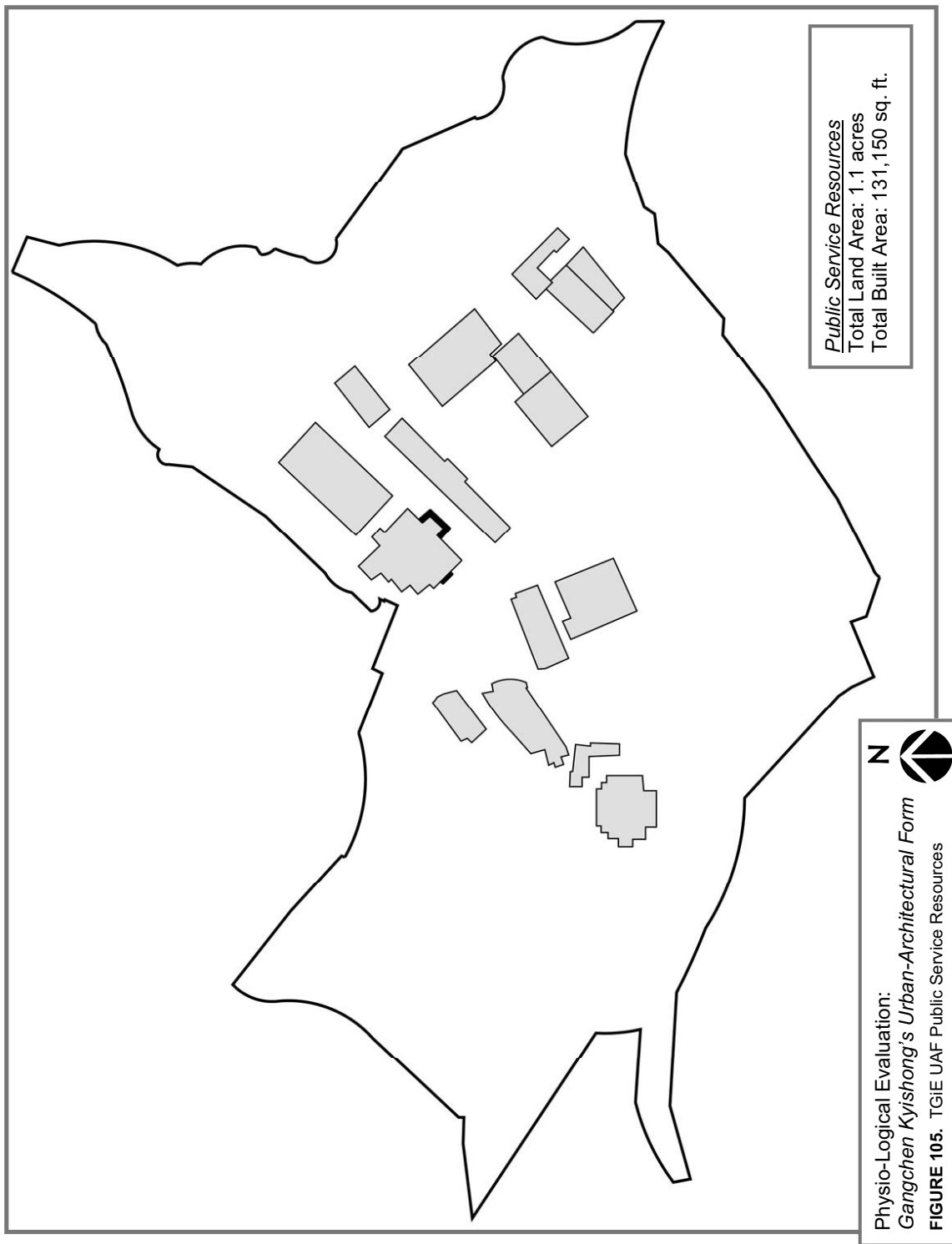


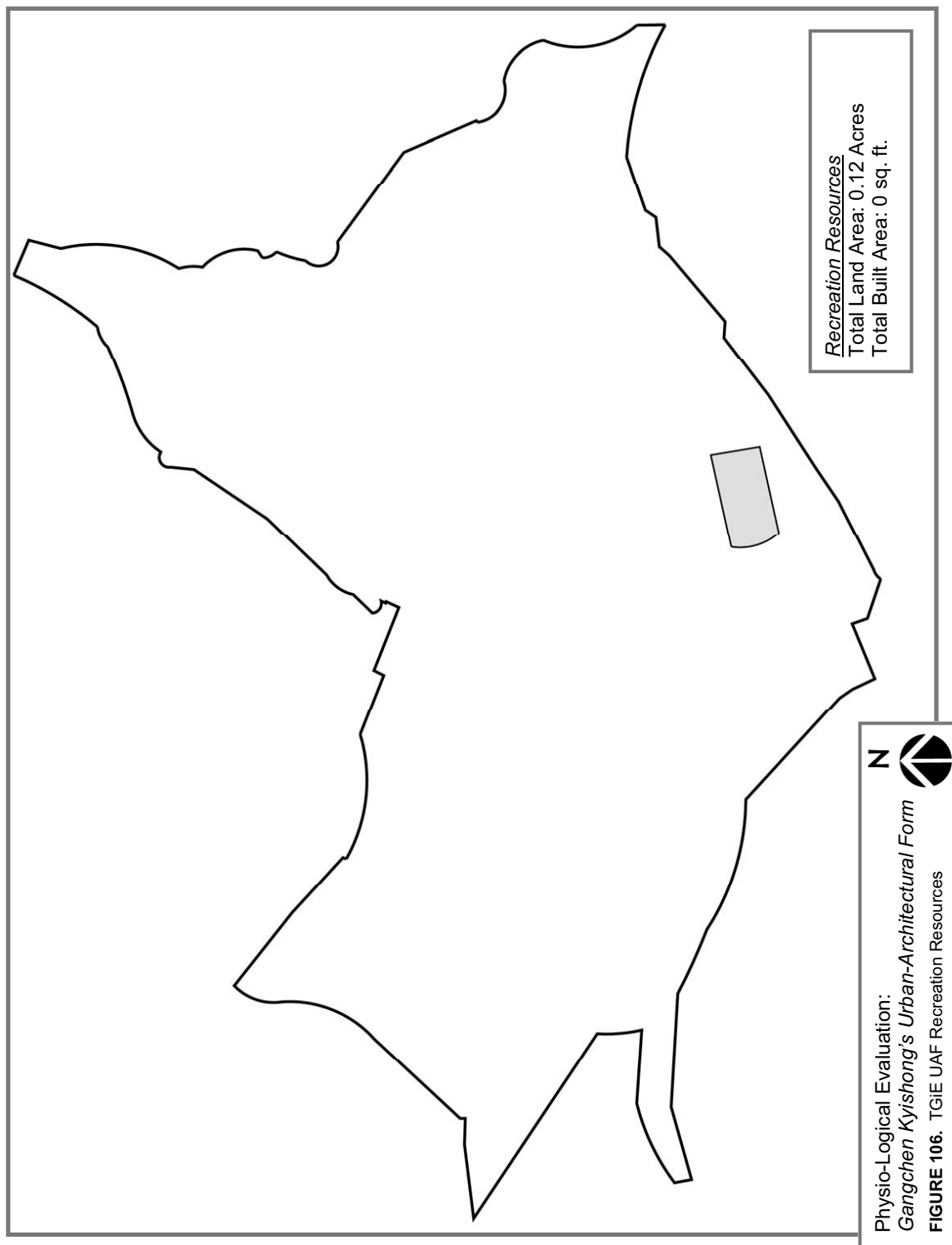


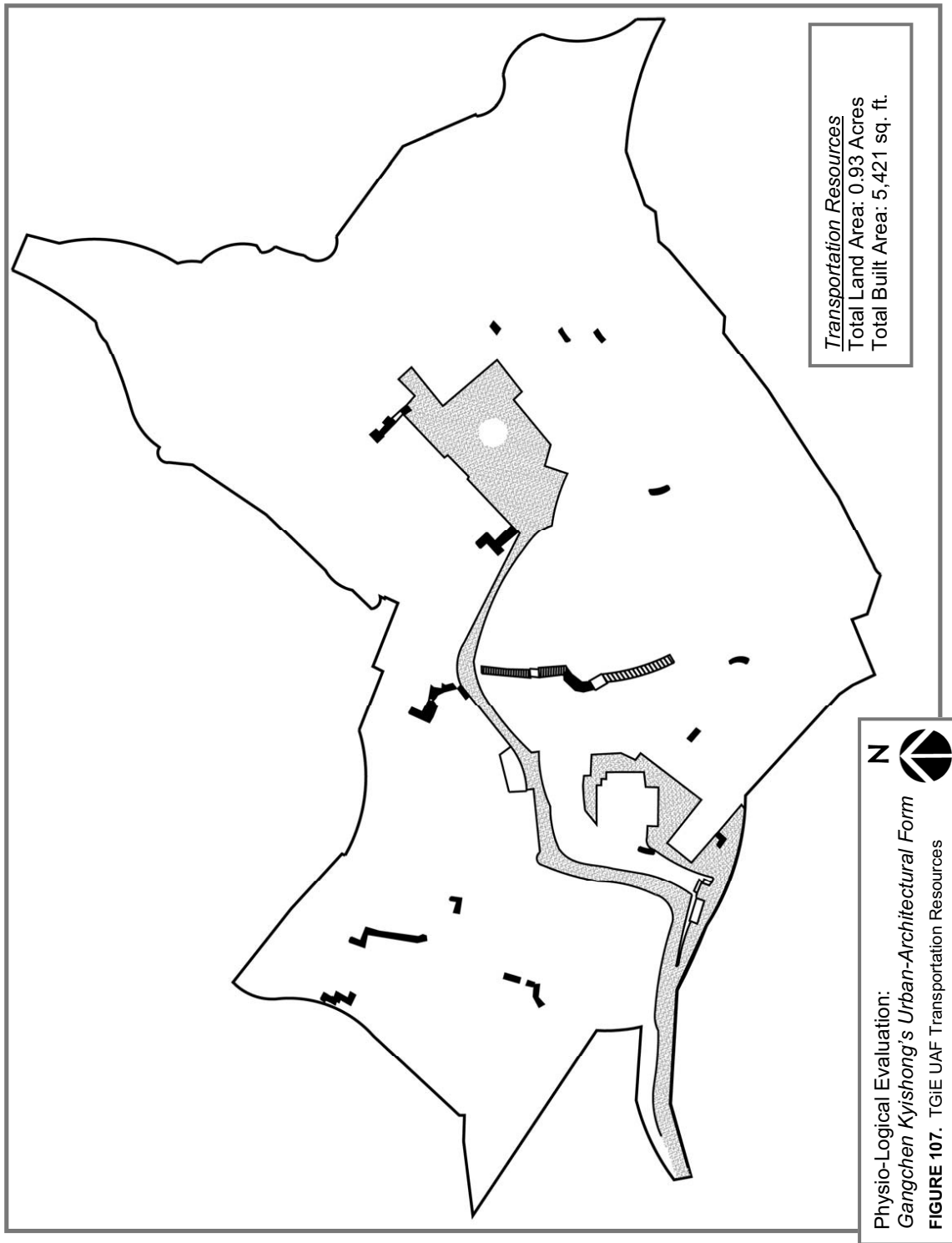


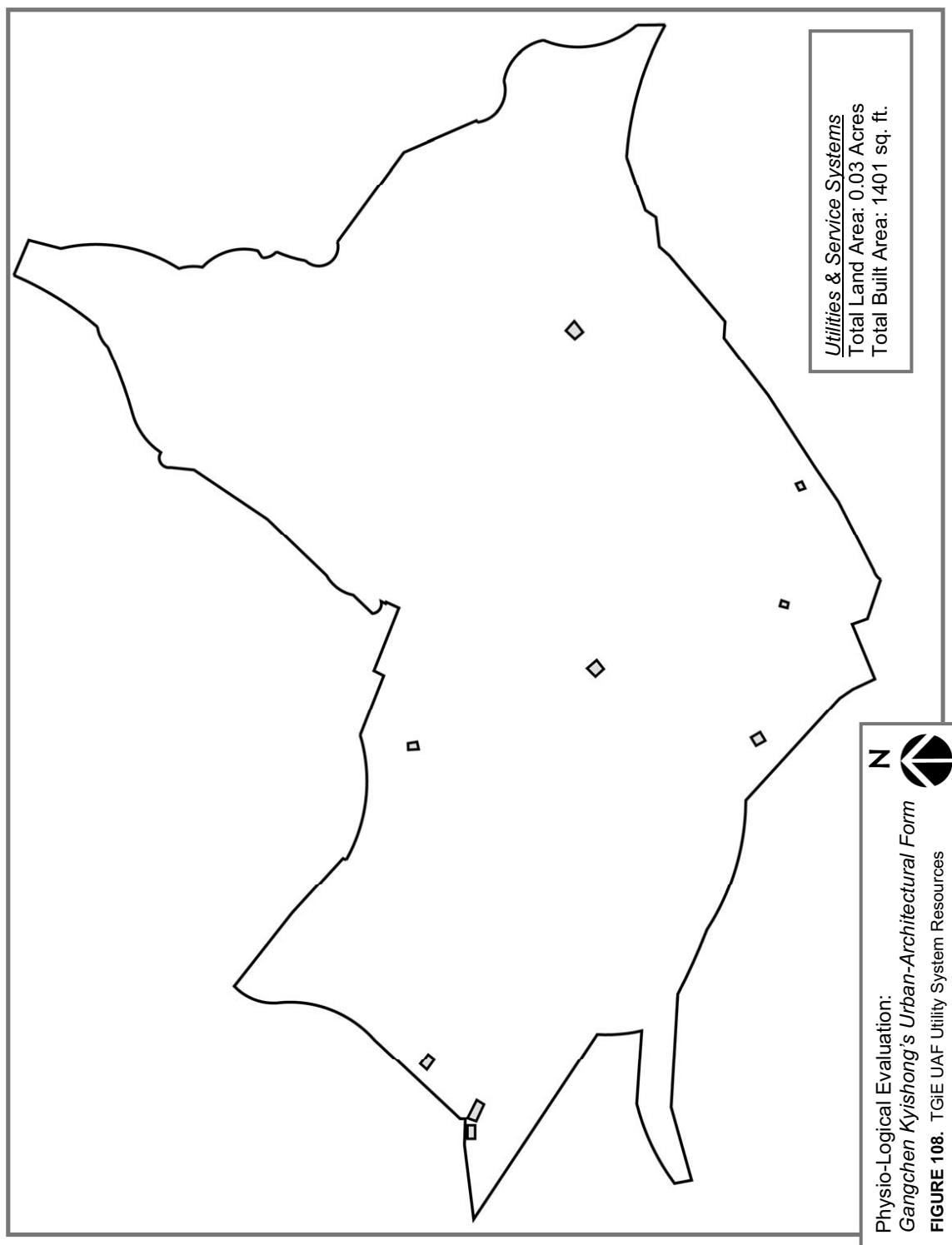












Tibetan Government-in-Exile

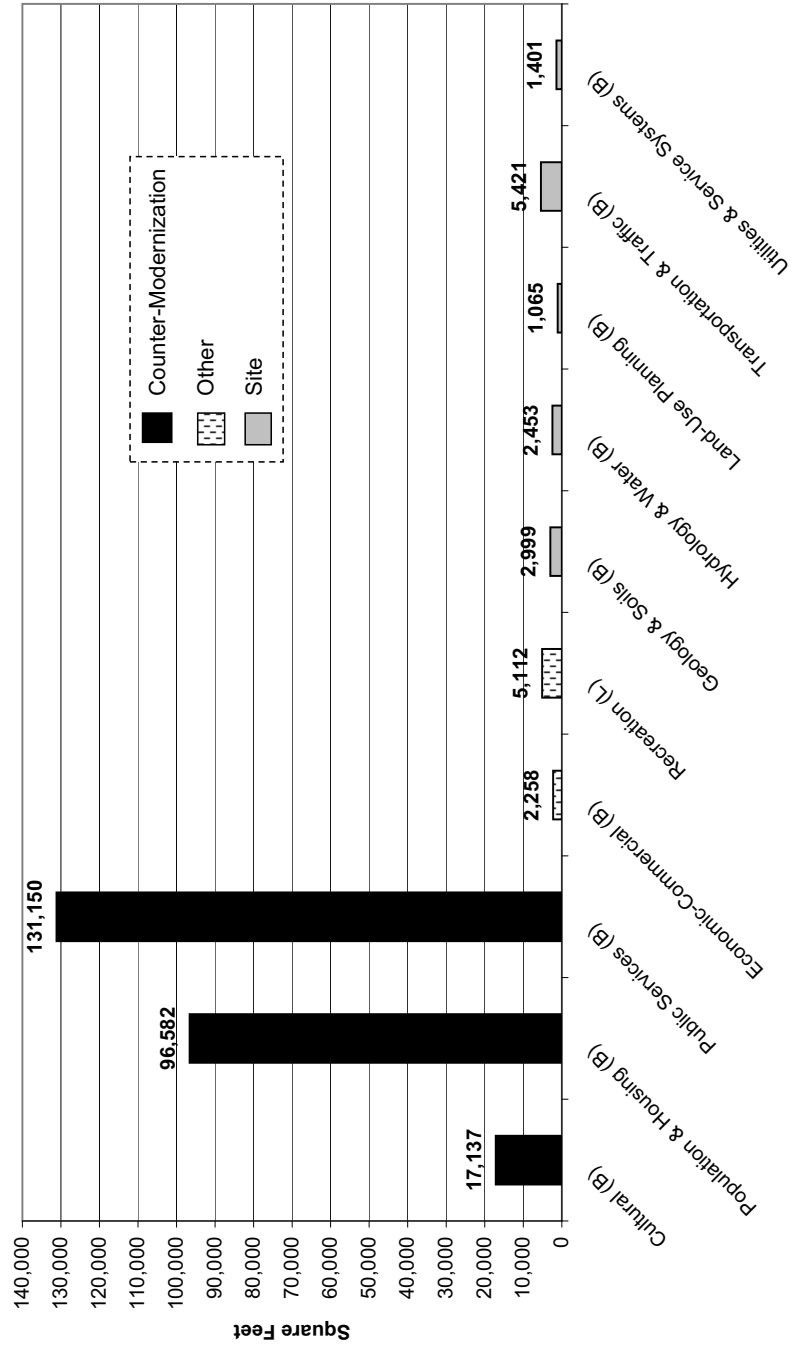


FIGURE 109. Tibetan Government-in-Exile Urban Resource Utilization

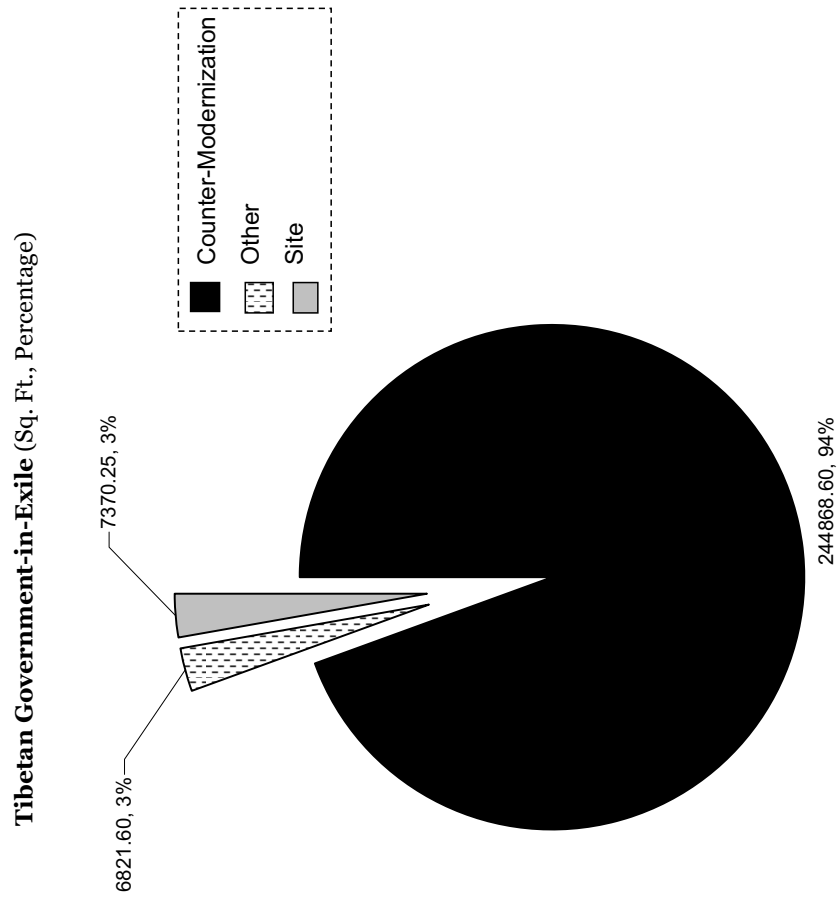


FIGURE 110. Tibetan Government-in-Exile Proportional Outlay of Urban Resources

Tibetan Govt.-in-Exile - New York Times

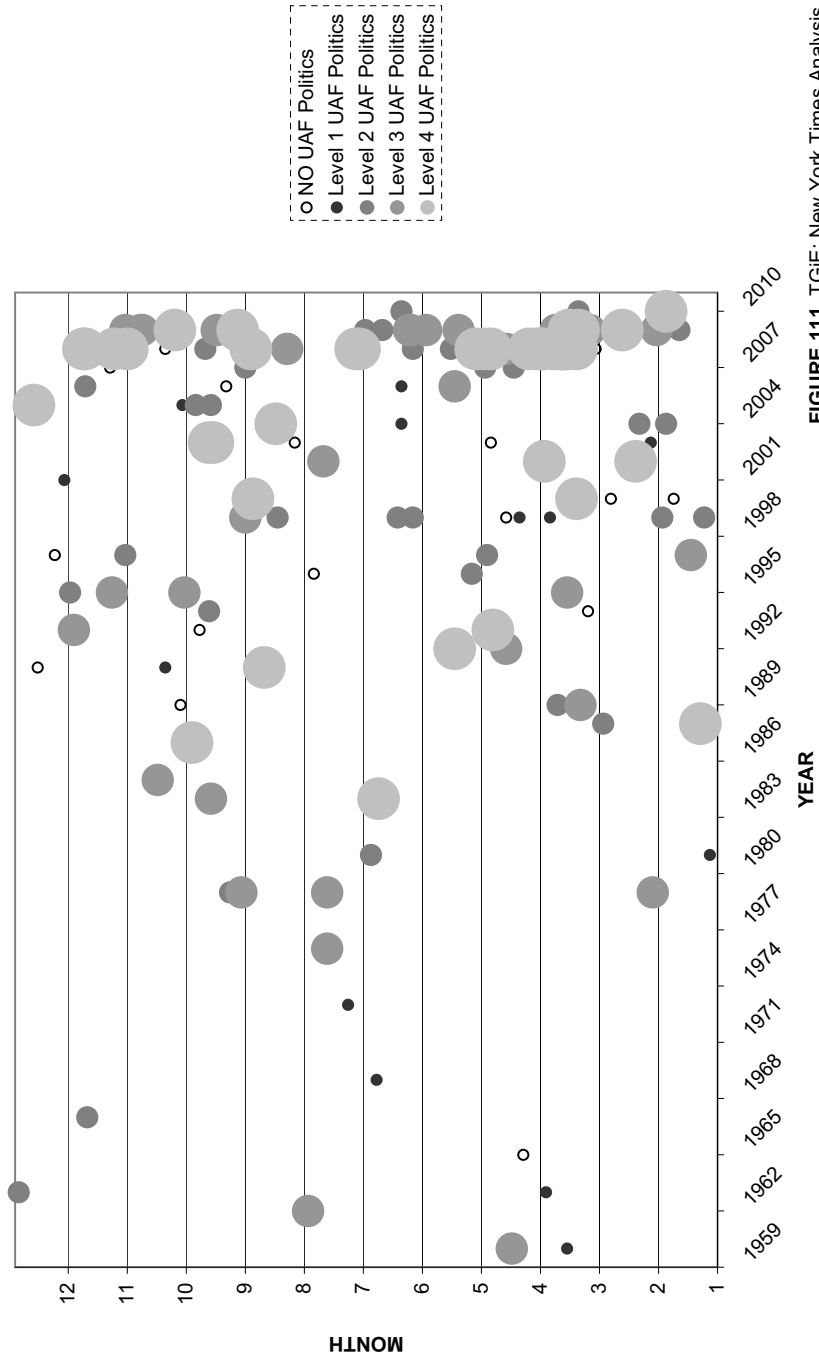


FIGURE 111. TGIE: New York Times Analysis

Tibetan Govt.-in-Exile - The Times of India

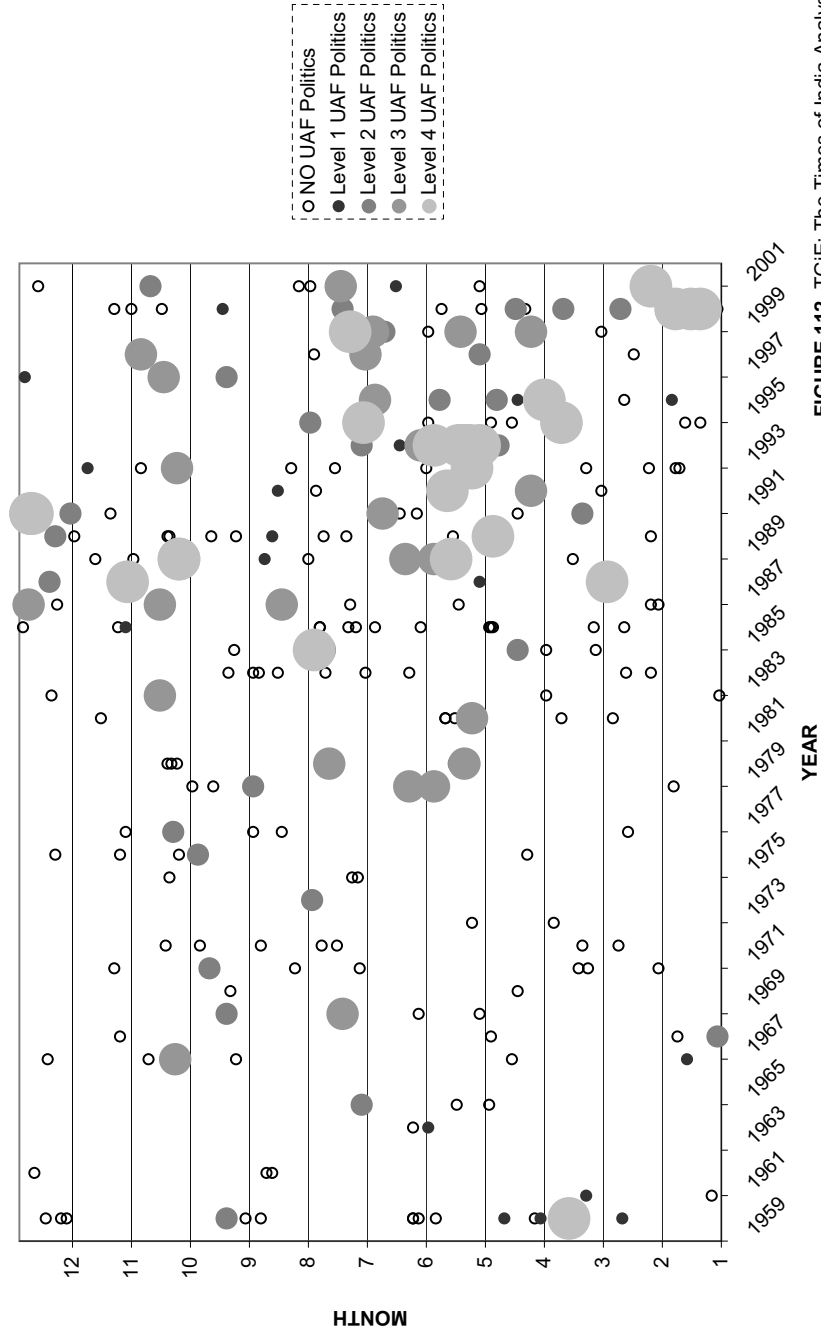


FIGURE 112. TGIE: The Times of India Analysis

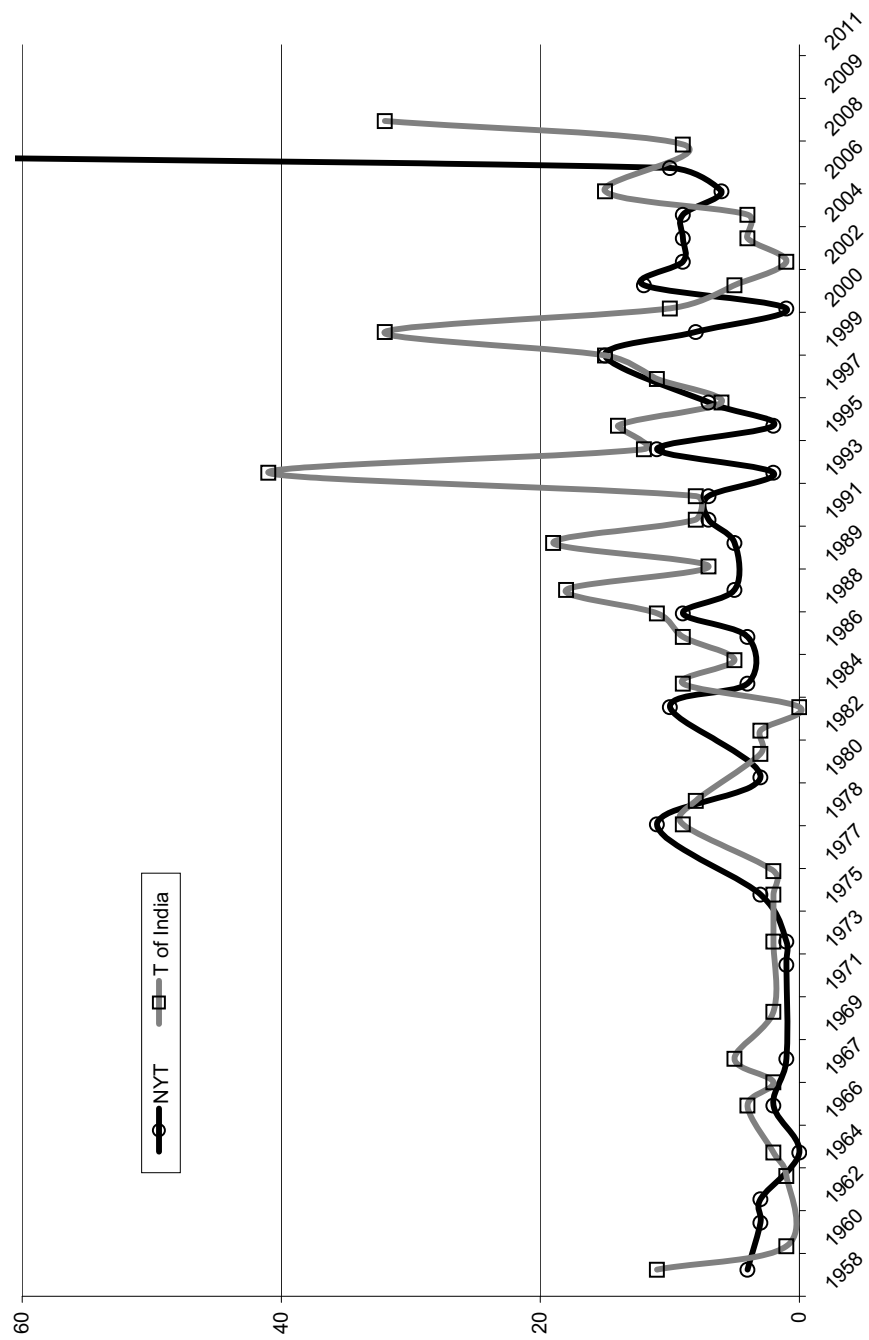


FIGURE 113. TGiE: Representation of Political Potency of Newspaper Survey

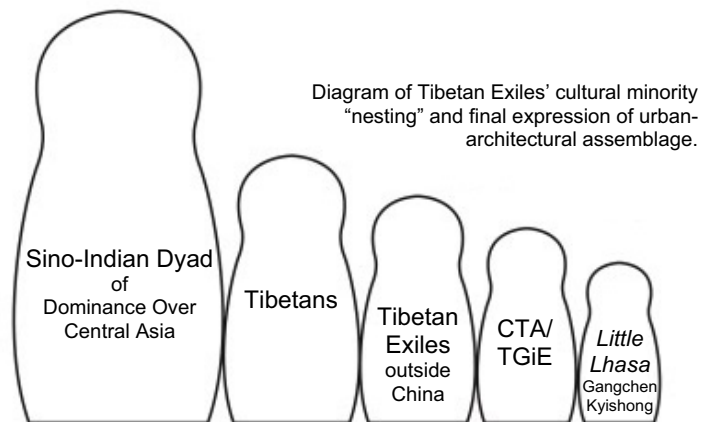
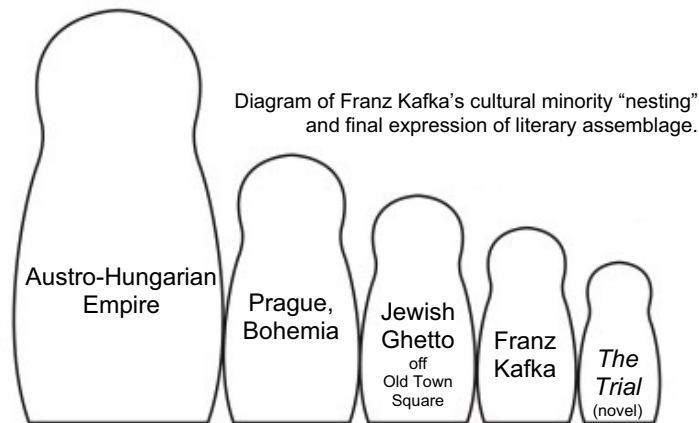
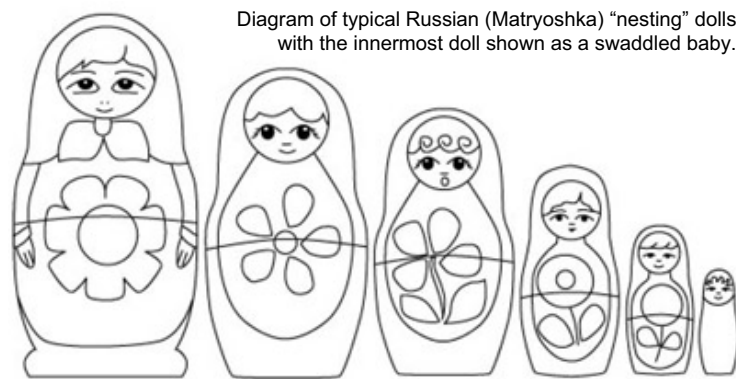


Figure 114. Nesting Dolls of Tibetan Exiles' Minor Architecture

D.2.4. Results of Physio-Logical Evaluation

Two supplemental empirical studies have been undertaken so as to verify or negate the findings of the traditional historical-interpretive method of testing the Gangchen Kyishong urban-architectural form. The first empirical study is a plan-based observation of the Bartertown urban-architectural form. All the land use and built expressions by the community have been categorized based on either the targeted responsiveness to the nuisance of global modernization [nuisance], its responsiveness to existing site conditions [site], or other services required of the urban-architectural form [other]. After categorization, land use and built areas were tabulated for comparisons in terms of the purpose of built urban form. This categorization and tabulation thereby allows for a legibility of the urban-resource expression as per communal aims, existing physical conditions, and other non-nuisance concerns (*See FIGURES 109 and 110*).

The nuisance of greatest importance concerning the Tibetan refugees turned exiles is the oppression rooted in a conflict as to national status. Such oppression was directed at the outset against the “Four Olds”: old customs, old culture, old habits, and old ideas. Although this policy of targeting the four olds carried out during the PRC’s Cultural Revolution has largely been discarded today for a more liberalized approach to Chinese nationalism, such customs, culture, habits and ideas are still at issue in Sino-Tibetan “internal” affairs in so much as they evidence nationalist intentions by the Tibetan minority. So, as the Chinese dominance must oppress competing national trends emanating from minority groups within their own nation, there is a hierarchy of sensitive resource uses targeted by the PRC in maintaining security and control over its current envelope of territory.

From the minority standpoint of the Tibetan exiles, the nuisance of this overt command of dominance over the Tibetan territory has been clearly laid out in the UN General Assembly’s Resolution 1723 (XVI) of December 20, 1961, titled “Question of Tibet.”⁷⁹⁸ Within this resolution, the major nuisances experienced by the Tibetan people include: violation of human rights, suppression of the distinctive cultural and religious life traditionally enjoyed, severe hardships leading to a large-scale exodus of Tibetan refugees, violation of right to self-determination by the Tibetan people, increased international tensions, and the embittered relations between peoples.⁷⁹⁹

⁷⁹⁸ G.A. Res. 1723, U.N. GAOR, 16th Sess. (1961).

⁷⁹⁹ *Id.*

Based on this internationally agreed upon list of hardships, the existing urban resources of the Gangchen Kyishong village have been broken into the three major categories of nuisance, site, and other artifacts of the built environment. The total built area of the CTA headquarters measures at 265,578 square feet, a total area that represents ten resource categories including “Cultural,” “Population & Housing,” “Public Services,” “Economic-Commercial,” “Recreation,” “Geology & Soils,” “Hydrology & Water,” “Land-Use Planning,” “Transportation & Traffic,” and “Utilities & Services Systems.” Of these, three categories directly counter-modernize against the hardships outlined in UN Resolution 1723 and make up 244,869 square feet of the total built area: “Cultural,” “Population & Housing,” and “Public Services.”

These “nuisance” categorized urban resources have been employed to mitigate the relative hardship they are best suited to counter-modernize within the CTA’s headquarters. As for the “Cultural” urban resources, these expressions of the built environment directly counteract the hardship faced by PRC dominance by encouraging in the built environment the continuation of the distinctive cultural and religious life traditionally enjoyed by Tibetans. This resource categorization includes the two onsite monasteries and the chorten at the center of the Gangchen Kyishong Village Square.

Second, as for the “Population & Housing” urban resources, these expressions of the built environment directly counteract the large-scale exodus of refugees by providing high quality, healthy, permanent housing for Tibetan exiles. There are 26 dormitory and flat-style residential buildings on the CTA campus, affording an area of 96,582 square feet of built space for Tibetan exiles working within the CTA’s operations. Based on standard Indian ratios of living space per person, these residential projects could house as many as 825 Tibetans of the 10,470 exiles living in Dharamsala.

Finally, as for the “Public Services” urban resources, this category is fundamental in the basis of design and execution of the Gangchen Kyishong urban-architectural form. With the expression of the “Public Services” urban resources, this village has the capacity to counter-modernize against the remaining nuisances springing from the PRC’s dominance over Tibet. These hardships include the violation of human rights, violation of the right to self-determination by the Tibetan people, increased international tensions, and the embittered relations between peoples. Further, the “Public Service” resources also support the infrastructure required to counter-act the impacts of the large-scale exodus experienced from the Tibetan territory. Making up an area of 131,150 square feet of the built environment, these urban resources include 13 buildings: Department of Information & International Relations, Voice of Tibet Radio, Staff

Mess Hall, Department of Finance, Department of Education, Office of Exile History Compilation Section, Tibetan Supreme Justice Commission, Department of Health/Office of Planning & Election, Library of Tibetan Works & Archives, Department of Home/Department of Religion & Culture, Tibetan Parliament-in-Exile, Sambhota Tibetan School Gangkyi, and the Office of Education Department.

Within the “other” greater category of urban-architectural form expression, there are two urban resources represented in the CTA Headquarters: “Economic-Commercial” and “Recreation.” These developments are outside the realm of nuisance-based development and are not necessary for the village’s development on this specific site. The “Economic-Commercial” category includes two buildings, a popular café and small local store, both of which only make up a combined 2,258 square feet of built area. As for the “Recreation” resource on the campus, there is a regulation-sized basketball court on the south, down-slope side of the urban-architectural form. This basketball court covers 5,112 square feet of village area.

Finally, as to the greater “site” category of urban development, the intense slope of this site, as well as its history of landslides require substantial engineering for stabilization and safety. Further, there are basic infrastructural necessities for this administrative district, as it is a mixed-use campus with heavy internal and external traffic in regards to exile operations. There are five urban resource categories represented under the ‘site’ designation, including “Geology & Soils,” “Hydrology & Water,” “Land-Use Planning,” “Transportation & Traffic,” and “Utilities & Service Systems.” These “site” based expressions make up 13,339 square feet of the built environment. They include area demarcations on the campus survey such as the retaining walls, staircases, water channels, roadways, freestanding toilets, sheds, automobile garages, and utility infrastructural boxes.

In concert, the “site” developments make 3% of the built environment, the “other” development make up 3% of the built environment, and the ‘nuisance’ developments make up the remaining majority of the Gangchen Kyishong urban-architectural form with 94% of the total constructed area. In summary, after execution of the physio-logical evaluation of Gangchen Kyishong, the physical reality of the village is persuasive in convincing the observer that the development was undertaken so as to counter-modernize against the nuisance of the PRC’s dominance of the Tibetan territory. As nearly all the development (94%) in Gangchen Kyishong has been devoted to urban spaces created to actively react to Chinese oppression, this vehicular district is validated as an urban-architectural form designed and constructed so as to counteract the acute real property nuisances suffered by the Tibetan exiles as a specific marginalized population. Here,

the TGiE has easily met the supermajority threshold required for confirmation of the UAF's status as a product of minor architecture.

D.2.5. Results of Correlative Newspaper Analysis

A correlative newspaper analysis is the second of the two supplemental empirical studies undertaken so as to verify the findings of the historical-interpretive evaluation of Gangchen Kyishong's urban-architectural form. Newsprint evidence was harvested from a comprehensive archive search of the NEW YORK TIMES and THE TIMES OF INDIA as it concerns the City of Dharamsala. After all articles were collected, the evidence was organized and presented so as to verify or highlight inconsistencies as it concerns the findings of the case study. Entailed in the organization, a system of evidentiary coding was applied to all applicable articles that discussed both the marginalized population and the real property location they inhabited as directly referenced in the case study. Each article was reviewed for word phrase "triggers" or evidentiary "incidents" that, after tabulation, potentially express correlative relationships between the marginalized population, the built environment, and reflexive developments by the marginalized population in response to the dominant culture's expression of global modernization.

TABLE 15. Verification of TGiE Correlative Newspaper Analysis

72.0%	<i>Correlation between "home" of tested minor community and primary issue of political significance.</i>
	0.975 New York Times
	0.466 Times of India (New Delhi)
70.2%	<i>Expression of Nuisance</i>
	0.771 New York Times
	0.633 Times of India (New Delhi)
88.8%	<i>Expression of Minority Response to Nuisance</i>
	0.902 New York Times
	0.873 Times of India (New Delhi)
43.2%	<i>Expression of Equity Undertaken Due to Political Discourse</i>
	0.425 New York Times
	0.440 Times of India (New Delhi)
44.6%	<i>Expression of Representation Value in Newsprint</i>
	0.464 New York Times
	0.428 Times of India (New Delhi)
72.0%	PASS
	VERIFICATION OF CORRELATIVE NEWSPAPER ANALYSIS

Restating prior sections, the nuisance of greatest importance in the PRC's control of the Tibetan territory was expressed in the UN Resolution 1723: violation of human rights, suppression of the distinctive cultural and religious life traditionally enjoyed, severe hardships leading to a large-scale exodus of Tibetan refugees, violation of right to self-determination by the Tibetan people, increased international tensions, and the embittered relations between peoples. From the date of the XIVth Dalai Lama's personal flight from Tibet until the near present (October 2010), 157 articles were published in the NEW YORK TIMES that included the word "Dharamsala." Within a truncated time period (from February 21, 1960 until December 18, 2001) and of the same word search for "Dharamsala," 281 articles were written in THE TIMES OF INDIA. Of the 157 NEW YORK TIMES articles including the word "Dharamsala," 153 also included either the word "Lama" or "Tibet." Of the 281 THE TIMES OF INDIA articles including the word "Dharamsala," 131 also included either the word "Lama" or "Tibet" (See **TABLE 15**).

After an itemized confirmation, the overlap of these word combinations allowed me to decipher out those articles concerning Tibetan hardships that have a place-based focus in Dharamsala. With the NEW YORK TIMES, the regularity of concurrence between that paper's discussion of Dharamsala and the Tibetan campaign can be expressed as a 97.5% ratio of incidence. As for THE TIMES OF INDIA, that regularity of concurrence is expressed as a 46.6% ratio of incidence. Overall, in combining the ratio of incidence of both the NEW YORK TIMES and THE TIMES OF INDIA, there is a 72% ratio of incidence, easily satisfying the majority threshold of significance. This substantiates a strong correlative expression, most significantly in the NEW YORK TIMES sampling. All articles meeting this correlative minimum have been graphically represented in **FIGURE 111** and **FIGURE 112**, respectively expressing the results of the review of NEW YORK TIMES and THE TIMES OF INDIA. Symbols within the graphic representations have been developed to note the article's magnitude of relative reflection as it concerns the plight of the Tibetan exiles against marginalization and the use of the urban-architectural form in response to the nuisance of globalization.

These correlations were determined with a process of coding, whereby incidents of "nuisance", "response", "equity" and "representation" were flagged and tabulated. After tabulation a determination as to the political potency of each article was undertaken, whereby if there were no incidents in the selected article, that article would have a UAF Politics determination of "O." If the article had three of the four possible incidents, that article would have a UAF Politics determination of "3." Finally, if a single article had all four incidents, it would receive a determination of "4." This allowed for the creation of a scale from "0" – "4," a rating that is

graphically represented and charted with all other sample articles based on the date of publication.

Although first recognized as a Tibetan “colony” in THE TIMES OF INDIA on March 18, 1960⁸⁰⁰, the Tibetan refugees were not validated as a single collectively-exiled group oriented in their headquarters in Dharamsala by either of the sample newspaper databases until the NEW YORK TIMES reported on the status of the “Tibetans in Exile” on February 3, 1979.⁸⁰¹ Here, Leila Hadley reported on many of the major narration points detailed in this case study. Beginning with a description of “Mao Tse-tung’s vision of global domination,” Hadley continues to describe the “administration in Dharamsala, India, the seat of the Tibetan government-in-exile” and its primary authority granted by the Government of India in furtherance of the Tibetan Refugee Settlement Project.⁸⁰² After definition by Hadley in 1979 as the Tibetan Government-in-Exile, the Tibetan exiles have been recognized as a collective group represented by the TGiE every year after by both the NEW YORK TIMES and THE TIMES OF INDIA except for the years 1981, 1982, and 1983. Of all the NEW YORK TIMES articles that report on Tibetans in Dharamsala, 71 of the 153 (46.4%) articles directly report on the Tibetan exile population as collectively identified by a single representative entity. Of THE TIMES OF INDIA articles that report on Tibetans in Dharamsala, 47 of the 131 (35.9%) articles within the sample period report of a single Tibetan exile representative entity.

At present, articles about Tibetan affairs regularly include mention of the TGiE as an oppositional group to Chinese policies regarding the territory in dispute. Based on the employed search process, since Dharamsala was *the* primary search term for review of newspaper articles, this regularity of correlation between Dharamsala, the TGiE, and the Tibetan exiles’ plight against current PRC policies persuasively establishes the enunciative value of the Dharamsala settlement as to their minority status in terms of globalization. Here, the newspaper archive highlights the geographic centering of the TGiE’s activities on the physical, political place in Dharamsala. Articles written in both news outlets over the decades have reiterated and updated the Tibetan exile narrative and specifically identified the TGiE’s headquarters as the epicenter of exile endeavors.

Beyond simply the high concurrence of news about Dharamsala and the Tibetan cause, within the Tibetan-focused articles there is a high incidence of discussion regarding issues of alleged

⁸⁰⁰ Border Issue Presents Major Problem Says Mr. Nehru; Chinese Action Affects India’s Integrity, 11, THE TIMES OF INDIA, March 18, 1960.

⁸⁰¹ Leila Hadley, *Tibetans in Exile*, NEW YORK TIMES, 19 (Feb. 3, 1979).

⁸⁰² *Id.*

Chinese oppression and marginalization. Of the 153 NEW YORK TIMES articles discussing Tibetan issues in Dharamsala, 118 of them report on the nuisance of PRC marginalization (77.1%). Of the 131 Times of India articles, 79 as well report on the nuisance of PRC marginalization (60.3%). Of the 153 NEW YORK TIMES articles discussing Tibetan issues in Dharamsala, 138 report on the multitude of responses the Tibetan exiles have employed against PRC marginalization (90.2%). Of the 131 Times of India articles, 113 as well report on the responses the Tibetan exiles have employed against PRC marginalization (86.3%). Finally, as it concerns the process of equity actualization for the Tibetan exiles in terms of perceived PRC wrongdoing, of the 153 NEW YORK TIMES articles discussing Tibetan issues in Dharamsala, 65 of them report on efforts of equitable resolution involving extra-TGiE parties (42.5%). Of the 131 Times of India articles, 57 as well report on such equity-seeking mechanisms outside TGiE control (43.5%).

Due to the search architecture and capacity regarding THE TIMES OF INDIA article database, it was impractical (if not impossible) to conduct a complete search of all articles concerning news of Dharamsala only beyond the year 2001. Even so, a database inquiry regarding the word search combination of “Dharamsala” with “Lama” or “Tibet” was possible regarding articles published in THE TIMES OF INDIA from 2001 until the near present cut-off date of October 2010. In that additional span of approximately nine years, 35 more articles were written regarding the Tibetans in Dharamsala.

Updating the correlation exercise outlined above, the ratios regarding nuisance, Tibetan responses, extra-TGiE measures of equity-seeking, and Tibetan exile representation have all significantly increased in proportion. Of the updated total 166 of Times of India articles, 105 (63%) report of the alleged nuisance Tibetans have suffered under PRC oppression. Of the 166 articles, 145 (87%) report on the Tibetan exile responses to perceived Chinese nuisances. Indications of non-TGiE equity endeavors were reported in 73 of the 166 articles (44%), and the Tibetan exiles were reportedly represented by a single entity in 71 of the 166 articles (43%).

With this correlative newspaper analysis, the findings are persuasive in validating the historical narrative and enunciative value of the Tibetan exile headquarters in Dharamsala. Here, the argument that the Gangchen Kyishong village performs as a pivot-point for the multitude of minority campaigns in favor of Tibetan nationalism finds its strongest validation in terms of the NEW YORK TIMES findings. Even so, the data and analysis in regards to THE TIMES OF INDIA research is extremely persuasive in terms of highlighting the importance of the TGiE’s physical place in Dharamsala, literally functioning as a soap box for the Tibetan exile collective.

D.2.6. Conclusion: Pass or Fail

PASS. Throughout Tibetan history, the heroic leaders of Tibetan autonomy have expressed a great value in signifying Tibetan independence with the construction of monumental architecture. As a beginning point for Tibetan society, in the 7th century A.D., Song-tsen Gampo wielded great military might, established a writing system and introduced Buddhism among the Tibetan people as he established an empire over Central Asia.⁸⁰³ In order to signify the greatness of the newly emergent Tibetan Empire, King Songtsen Gampo began construction in 637 A.D. on a 999-room capital complex, the first iteration of the famous Portola Palace at the center of the Lhasa Valley.⁸⁰⁴ Over a century after King Gampo introduced Buddhism in Tibet, a great debate in the year 792 established the religion as *the* Tibetan faith based on an Indian lineage of study.⁸⁰⁵ Over a decade earlier, the first Tibetan Buddhist monastery was built in the year 779, itself another major reason the Tibetan empire transitioned from the former Bon religion, rejected Chinese religious influence and adopted at the time a contemporaneous form of Buddhist doctrines. The originating Tibetan Buddhist monastery was built in Samye, and there, native Tibetan scholars of Buddhism actively incorporated the traditional Bon religion into their newfound uniquely Tibetan form of Indian-Buddhist practice.⁸⁰⁶ Important here is the fact that an entire city was created in this Tibetan valley around the Samye monastery, one that was designed in an urban form that replicates an ideal universe in the form of a mandala.⁸⁰⁷ In Samye, monumental architecture and urbanism were employed together by the Tibetans to signify this dramatic change in their kingdom.

Fast forward to the 17th century when the Vth Dalai Lama created what is known today as the “Lama” state. At this critical point in Tibetan history, the Vth Dalai Lama Lobsang Gyatso unified all religious and political power under the leadership of the Dalai Lama in perpetuity.⁸⁰⁸ In order to signify the independence of Tibet from its eastern neighbors as well as to reify the newly established temporal-spiritual power of the Dalai Lama, Gyatso in 1645 reestablished Lhasa as the capital of Tibet and began a major reconstruction of the Portola Palace. This reconstruction lasted for 30 years and represents the final form of the contemporary Portola Palace known today.⁸⁰⁹

⁸⁰³ RICHARDSON, *supra* note 483, at 29.

⁸⁰⁴ *Historical Ensemble of the Potala Palace, Lhasa*, *supra* note 715.

⁸⁰⁵ RICHARDSON, *supra* note 483, at 31.

⁸⁰⁶ *Id.*

⁸⁰⁷ TIBET'S JOURNEY IN EXILE, *supra* note 480, at 14.

⁸⁰⁸ *The Dalai Lamas*, *supra* note 471.

⁸⁰⁹ *Historical Ensemble of the Potala Palace, Lhasa*, *supra* note 715.

TABLE 16. Conclusion of Gangchen Kyishong as Minor Architecture

SUBJECT TEST	PASS	Notes
Clear Nuisance	■	PRC Oppression
Collective Expression	■	Gangchen Kyishong
Singular Linguistic Form	■	Vehicular
UAF	■	An UAF exists as “Little Lhasa”
Rhizomatic	■	Multiple tactics employed and refashioned by the perpetual inflow of Tibetan refugees intent on expressing Tibetan nationalism
Deterritorialization of Major Language	■	Reterritorialization of waste landscape with a redefined Western urbanism for minor practice
Connect Individual to Politics	■	Dress, mannerisms and universal recognition of Gangchen Kyishong as the TGiE headquarters
Enunciation of Minority	■	Gangchen Kyishong has evolved into the Tibetan soap-box of politics in India
MINOR DESIGN	■	Minor design has been achieved with the expression of the combined CTA-TGiE Headquarters
Tetravalent Condition of Assemblage	■	Existing on the seam between the four conditions of the assemblage, the Tibetan Parliament-in-Exile exhibits the audacity of Tibetan exiles all the while reaffirming the changing format of their architectural expression
Decoding of Territory furthering Equity	■	In developing the capacity of a nation, the TGiE challenges the PRC and promotes by existence honest dialogue between the parties
ENVIRONMENTAL JUSTICE	■	Environmental justice is of primary concern of the present UAF
Resource Use Congruence	■	Use development has been employed to counter-modernize against nuisance of the PRC’s modernization of Tibet.
Overall Nuisance Response	■	Supermajority threshold of development in reaction to nuisance is adequately satisfied.
PHYSIO-LOGICAL VALIDATION	■	Nuisance of PRC-centric globalization has been the overwhelming priority for reactive purpose of Gangchen Kyishong
NEWSPAPER VALIDATION	■	Primary nuisance & response to globalization has majority verifiable correlation in newsprint
Minor Expression of Built Environment:		PASS

Historically reviewing Tibetan expression in terms of the culture’s architectural legacy, a profound monumentality is undertaken at major points of political upheaval and resolution. As a conclusion to this study of the Gangchen Kyishong village just outside Dharamsala, it is important to note the monumental magnitude of infrastructural development executed under the

leadership of the XIVth Dalai Lama. Although undertaken largely in a non-dominant manner and at the mercy of a multitude of host nations, since 1959 when the Tibetan exiles took flight, over 25,000 acres of settlement development have been realized in a uniquely contemporary form of Tibetan civilization. By any measure of leadership, under the circumstances the XIVth Dalai Lama Tenzin Gyatso clearly deserves the recognition he has received as a spiritual leader, a political innovator, and most important in terms of this study, as a uniquely gifted agent in the construction of the built environment. In exile and performing from an unwanted plot of government-issued land in Northern India, this “simple monk” has indoctrinated a diasporatic network of settlements in 30 different countries, all unified and participating in the policies of nation-building deliberated from his policy headquarters in the Gangchen Kyishong village.

Although it was not clear upon the first visit to the Gangchen Kyishong village, after analysis it can be confidently argued that this mature exile collective demonstrates an adequate rhizomatic expression of minor architecture. Simply reviewing the multitude of tactics employed from the TGiE’s headquarters, this vehicular urban-architectural form commands a univalent projection of national desire and political autonomy. Layered, expressive, and regionally subversive, this exiled Tibetan administration has subsumed modern architectural forms for the sole purpose of counter-modernizing against the PRC’s scheme of Tibetan dominance. Much like the hermit crab that inhabits a snail’s discarded shell for its own purposes, the TGiE has reconfigured Western rhetoric, political ideology and urban design for their own collective endeavors to actively promote Tibetan nationalism on the global stage (See **TABLE 16**).

Not unlike Kafka sequestered as a minority’s minority in the Jewish district of Prague, the Tibetan exiles represent not only a minority within either of the local dominant Asian cultures (Chinese and Indian), they are also a minority within their own Tibetan population (See **FIGURE 114**). As the Tibetan exiles represent only roughly 2% of all Tibetans in the world, they are on the outer fringes of the population, living abroad, increasingly educated in exile, and regularly exposed to a much more multicultural and cosmopolitan reality than their homeland counterparts. Representing this fringe wing of the Tibetan population, the Gangchen Kyishong village itself is both the springboard and exile home for the carriers of the Tibetan “Green Book.” Gangchen Kyishong is an embodiment of the advances and rationalization of the Tibetan “nation” in whatever form it holds today, and whatever form it will hold for future Tibetan generations.

D.3. STUDENT BONFIRE

Case Abstract: In contrast to the international breadth of the previous case, the Student Bonfire concerns the most local of architectural projects in resistance to the administrative priorities of the Brazos County's dominant research institution, Texas A&M University. In 1999, a six story bonfire structure built from hand and based on 90 years of construction tradition collapsed on the Texas A&M University campus, killing 12 volunteers and seriously injuring 27 others. Immediately after this Aggie Bonfire tragedy, the longstanding sacred communal ritual was indefinitely discontinued. In reaction to the apparent death of the on-campus activity, former Bonfire volunteers started their own resistant off-campus form of the tradition in 2002 called the "Unity Project." After three years of exiled practice, the Unity Project was renamed the Student Bonfire as it became an institution all its own having established as a non-profit charitable corporation whose primary purpose was to continue the cultural heritage of the tradition. By 2009, a decade after the on-campus tragedy, Student Bonfire as an institution had become so accepted by the on-campus community that reflective memorial services were attended only by minimal audiences while the off-campus tradition was so overcrowded that organizers had to turn away spectators due to the lack of parking facilities. Beyond anyone's expectations, the Student Bonfire continues to successfully maintain the relevancy of the uniquely local Bonfire tradition in a safe, collectively acceptable manner for new generations of Texas A&M University students.

Student Bonfire, although relatively young compared to the Tibetan Government-in-Exile, is increasingly exhibiting an advancing maturity in the methods and administrative maintenance of their openly resistant organization. In furtherance of the organization's goals of maintaining the relevancy and safety of the Bonfire tradition for future generations, the Student Bonfire reflects the characteristics and cultural impacts implicit in the Deleuzean *Kafka* framework. In spite of such a fitting expression in terms of the *Kafka* framework, the Student Bonfire fails to find validation in either the physio-logical evaluation or the newspaper survey. As to the urban resource evaluation, under the task of providing parking for all attendees to the final Bonfire event, the Student Bonfire organization has been forced to employ the majority of its urban-architectural form so as to reserve parking for the event. Parking, although logistically important, does not directly reflect a measure of counter-modernization against the nuisance experienced from Texas A&M University's dissolution of the tradition. Second, unlike the Tibetan exiles, the Student Bonfire's ability to project their political desires in such a manner so as to receive regular attention from newspaper organizations has been feeble. As hope for the Student Bonfire organizers, it took decades for Tibetans to receive regular attention from major

newspapers, an attribute that those wishing for a future with Bonfire to relish. Ultimately, the Student Bonfire is quite persuasive in proving the hypothesis as this young, small resistive expression of the built environment continues in spite of the continued neglect and denial of campus administrators.

Preface of Potential Bias: I began my undergraduate education in Aggieland in 1994, perhaps at one of the greatest times in history to become a part of the Aggie community (See **FIGURE 115**). The football team had an undefeated season.⁸¹⁰ The school had exceeded its own diversity goals and had embraced a (perhaps short-lived) multicultural agenda and was attracting a growing diversity in my freshman class. Within my first year, the university had been selected by George H. W. Bush's search committee to house his presidential library on the College Station campus. Courtesy of Presidential Bush '41, there was a freshly delivered rough-cut section of the Berlin Wall standing outside Kyle Field for all spectators to view and enjoy, a symbol of the forthcoming fortune globalization would bring to the greater Aggie family. As Texas A&M is a school that produces the most officer commissions outside the United States military academies,⁸¹¹ the end of the Cold War embedded the campus with an underlying victorious euphoria. The university had its first female Student Body President, Brooke Leslie, and she represented in intellect, beauty and professionalism the best to be expected from a major public university.⁸¹² Three years later, as proof of this brave new direction the campus was heading, Texas A&M was proclaimed the best university in Texas by the left-leaning cultural magazine based in Austin, TEXAS MONTHLY (See **FIGURE 115**).⁸¹³ That same year, the Aggie Bonfire fell, or rather *leaned* heavily to one side after excessive rain amounted to an approximate total of 16 inches in a 12 hour period (See **FIGURE 115**). Rather than give up on the annual pyrotechnic "Burn" event, the entire Bonfire stack was systemically disassembled *and* reassembled within a single week. Along with thousands of students, I personally helped rebuild the traditional structure with pride and a newfound feeling of communal solidarity (See **FIGURE 115**). I am sure these early, formative experiences in my early adulthood have inured an undeniable bias that must be appropriately checked, but I must counter that a healthy dose of that bias has eroded as the massive campus has undergone immense change in the past two decades. Immediately following are **FIGURES 115** through **145**, figures which graphically detail the conditions of the Student Bonfire case study.

⁸¹⁰ *1994 Football Stats*, TEXAS A&M UNIVERSITY ATHLETIC DEPARTMENT (2011)
<<http://www.aggieathletics.com/sports/m-footbl/spec-rel/tam-m-footbl-1994-stats.html>>. The final season record was 10 (W) - 0 (L) - 1 (T).

⁸¹¹ *Texas A&M Graduation: Military Commissioning*, TEXAS A&M UNIVERSITY (2011)
<<http://graduation.tamu.edu/commissioning.html>>.

⁸¹² *Student Senate: Former Student Body Presidents*, TEXAS A&M UNIVERSITY STUDENT SENATE (2010)
<<http://senate.tamu.edu/about/history/sbps>>.

⁸¹³ Paul Burka, *Did You Hear the One About The New Aggies?* TEXAS MONTHLY (Apr. 1997).

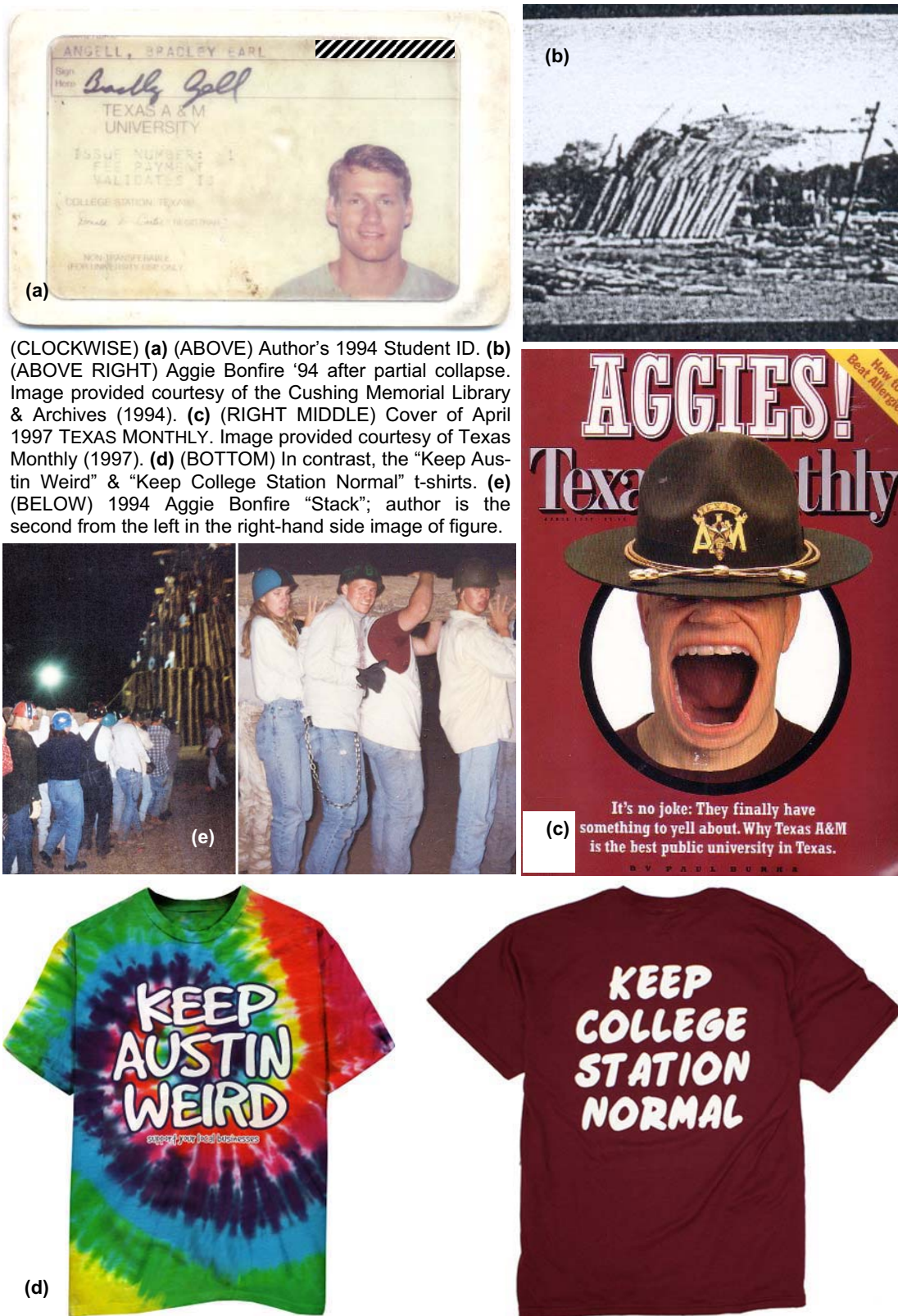


FIGURE 115. Images Supporting Case Background: Student Bonfire

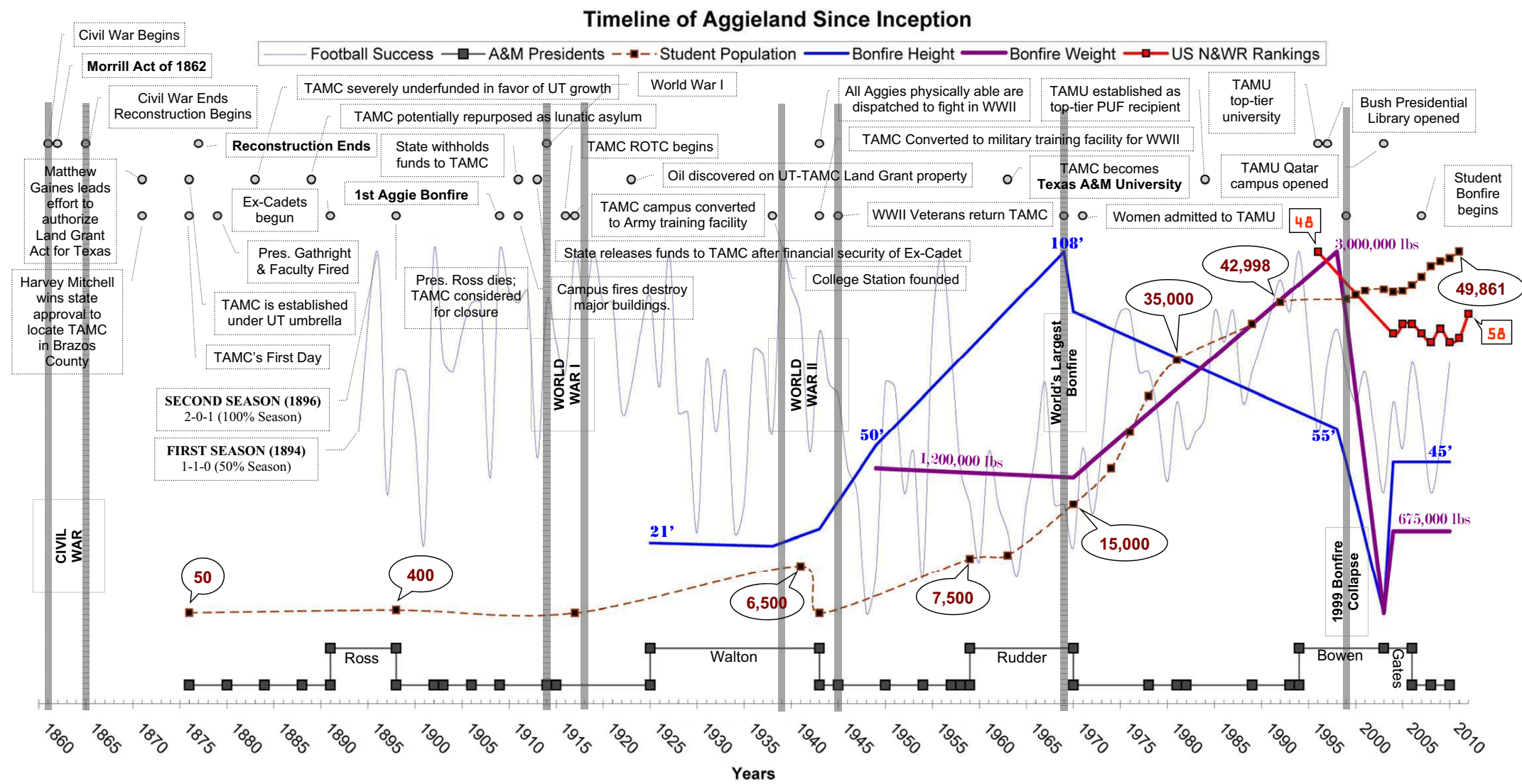


FIGURE 116. Aggieland Timeline Since Inception

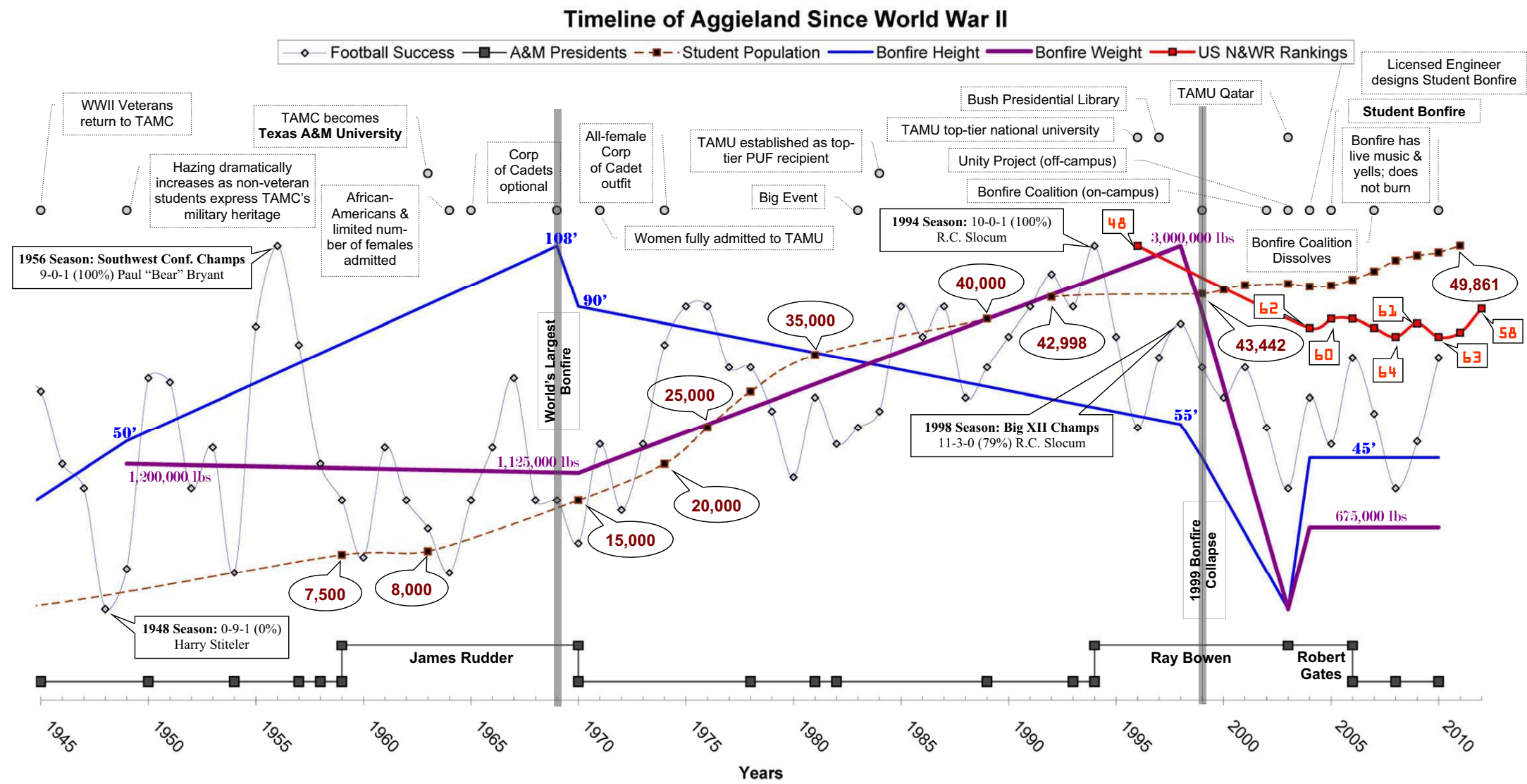


FIGURE 117. Aggieland Timeline Since World War II

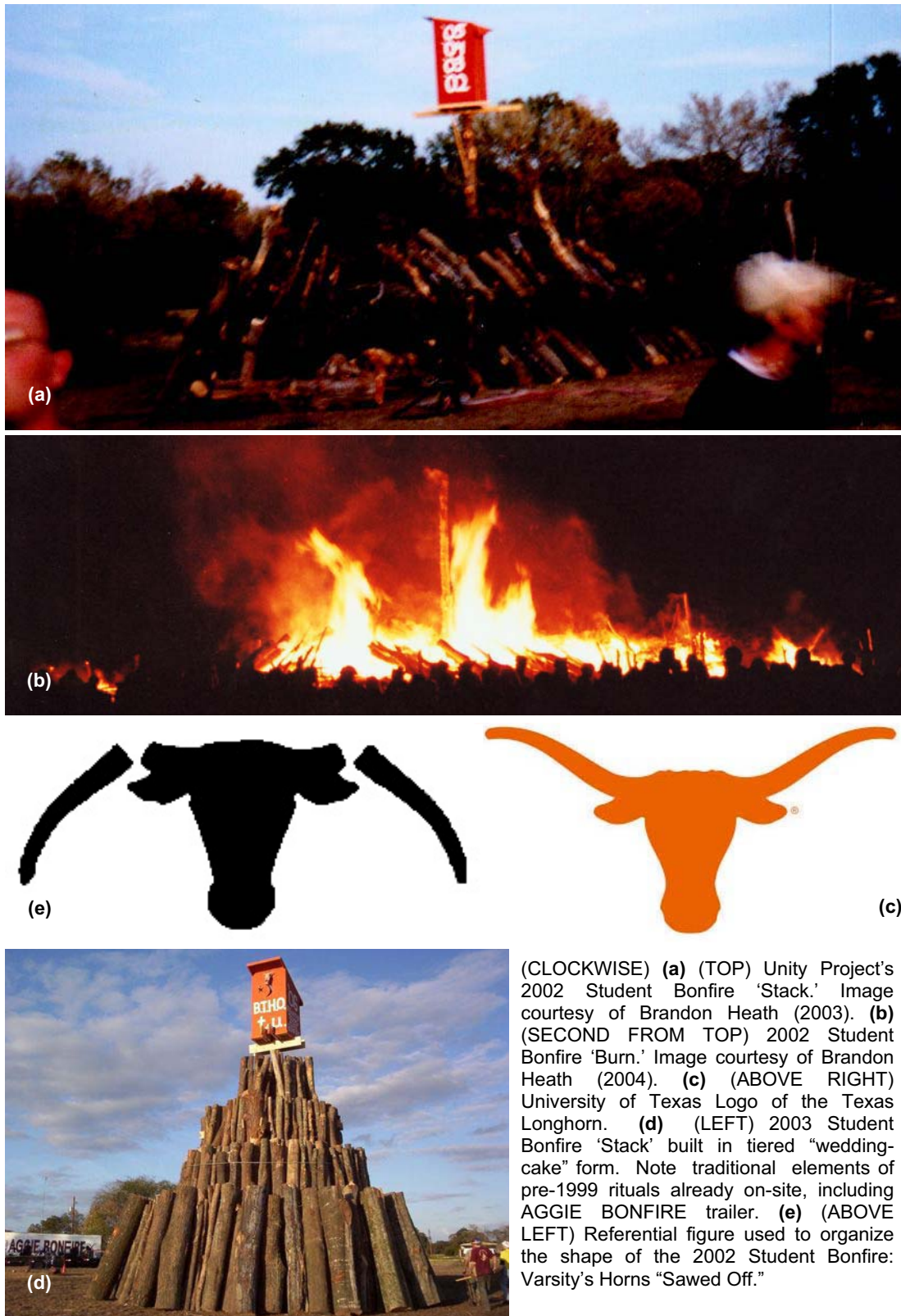


FIGURE 118. Images Supporting Narrative: Student Bonfire (i)



FIGURE 119. Images Supporting Narrative: Student Bonfire (ii)



(CLOCKWISE) (a) (TOP) AGGIE BONFIRE Trailer, Notation #A. FIGURE 270. (RIGHT) Cookie Shack/Mini-RV Unit, Notation #B. (b) (BELOW RIGHT) Supply Trailer, Notation #D (i). (c) (BOTTOM RIGHT) Cookie Shack/Mini-RV Unit, Notation #B. (d) (IMMEDIATELY BELOW) Supply Trailer, Notation #D (ii). (e) (ABOVE) Biomass Pile, Notation #F.



FIGURE 120. Student Bonfire (i)



(a) (LEFT) Bonfire Stack, Notation #G. Here, a Crew Chief is tightening the structural cables to prepare for the application of the final ring of logs around the structure. **(b)** (BELOW) Bonfire Stack, Notation #G. Shown is close up of a swing. Swings are used to work on the upper levels of Stack and are typically reserved for upper classmen. Also shown is a "POW-MIA" flag, common in Aggieland due to the high number of commissioned officers that attended Texas A&M. All structural members of the Student Bonfire are visible.



FIGURE 121. Student Bonfire (ii)



(CLOCKWISE) (a) (TOP LEFT) Large stadium flood lights are used to light the Stack at the point of tensile reinforcement. Logs are organized in background of this image, ready for placement on the Stack. (b) (TOP RIGHT) Red Pot Stack, Notation #E. The Zachary Construction logo is seen on this side of the out-building. (c) (BOTTOM) Red Pot Stack, Notation #E. All electrical and communication lines are connected at the Red Pot Shack. (d) (LEFT) Red Pot Stack, Notation #E. Front elevation of the Shack.



FIGURE 122. Student Bonfire (iii)



(CLOCKWISE) (a) (TOP) Brown Pot Shack, Notation #C. Front elevation of shack, note door gnome. (b) (BELOW) Bonfire Stack, Notation #G. (c) (BOTTOM LEFT) Brown Pot Shack, Notation #C. South elevation, note chainsaw in foreground. (d) (LEFT) Brown Pot Shack, Notation #C. North elevation.



FIGURE 123. Student Bonfire (iv)



(a)



(d)



(b)

(CLOCKWISE) (a) (TOP) Bailing Wire Sets, Notation #M. This rudimentary hanger holds the wire sets for later use, organized per length. (b) (ABOVE RIGHT) Bailing Wire Sets, Notation #M. This box collects refuse wire sets not meeting design specifications. (c) (BOTTOM) Bailing Wire Sets, Notation #M. This assemblage measures appropriate wire lengths. (d) (LEFT) Bailing Wire Sets, Notation #M. North elevation.



(c)

FIGURE 124. Student Bonfire (v)



(CLOCKWISE) (a) (TOP) Green Pot Trailer, Notation #H. Side elevation. (b) (ABOVE RIGHT) Bonfire Hilton/Senior Hotel, Notation #J. (c) (RIGHT) Bonfire Hilton/Senior Hotel, Notation #J. (d) (BOTTOM) Bailing Wire Assembly. (e) (IMMEDIATELY ABOVE) Green Pot Trailer, Notation #H. Back elevation.



FIGURE 125. Student Bonfire (vi)



FIGURE 126. Student Bonfire (vii)

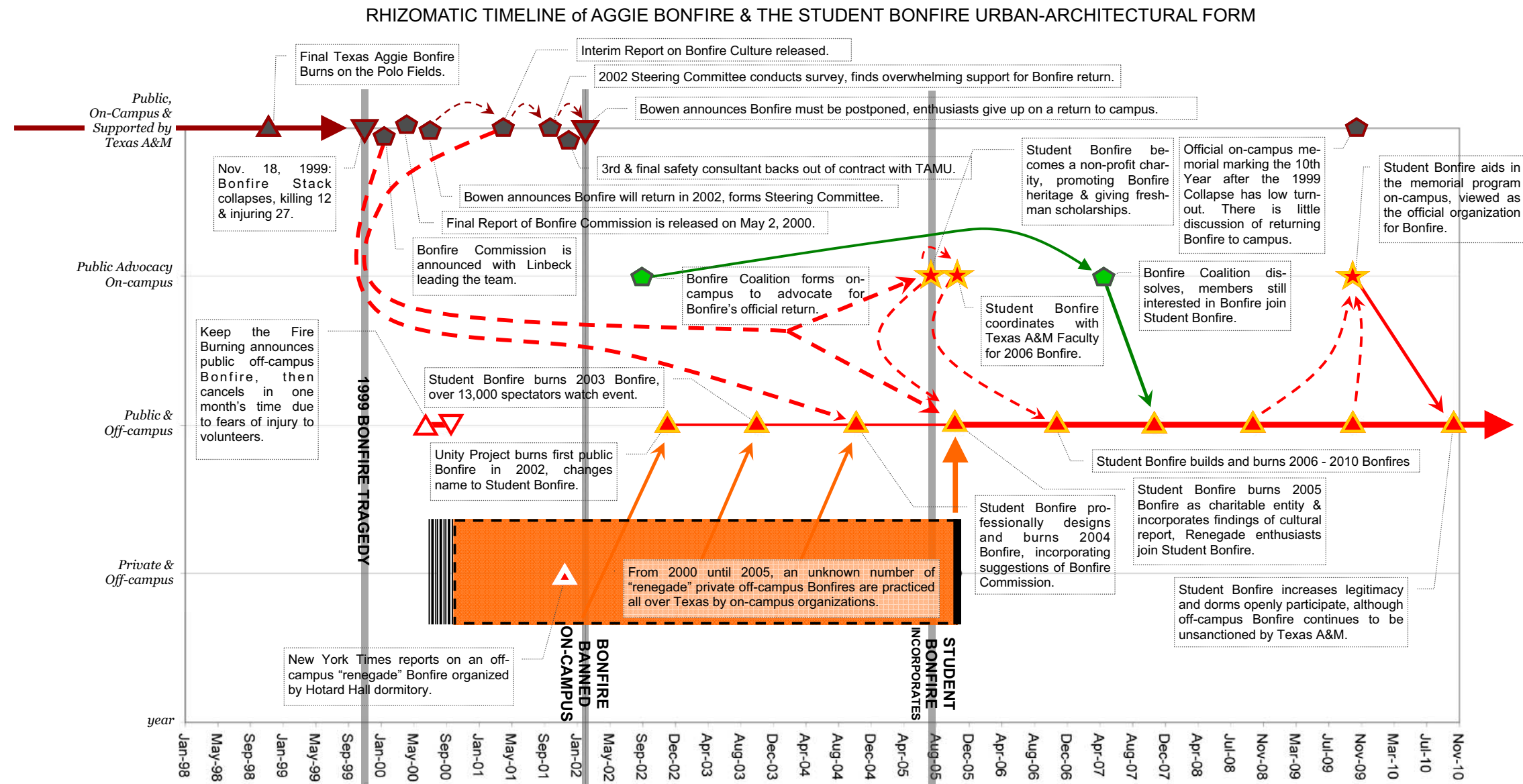


FIGURE 127. Rhizomatic Timeline of Bonfire after 1999

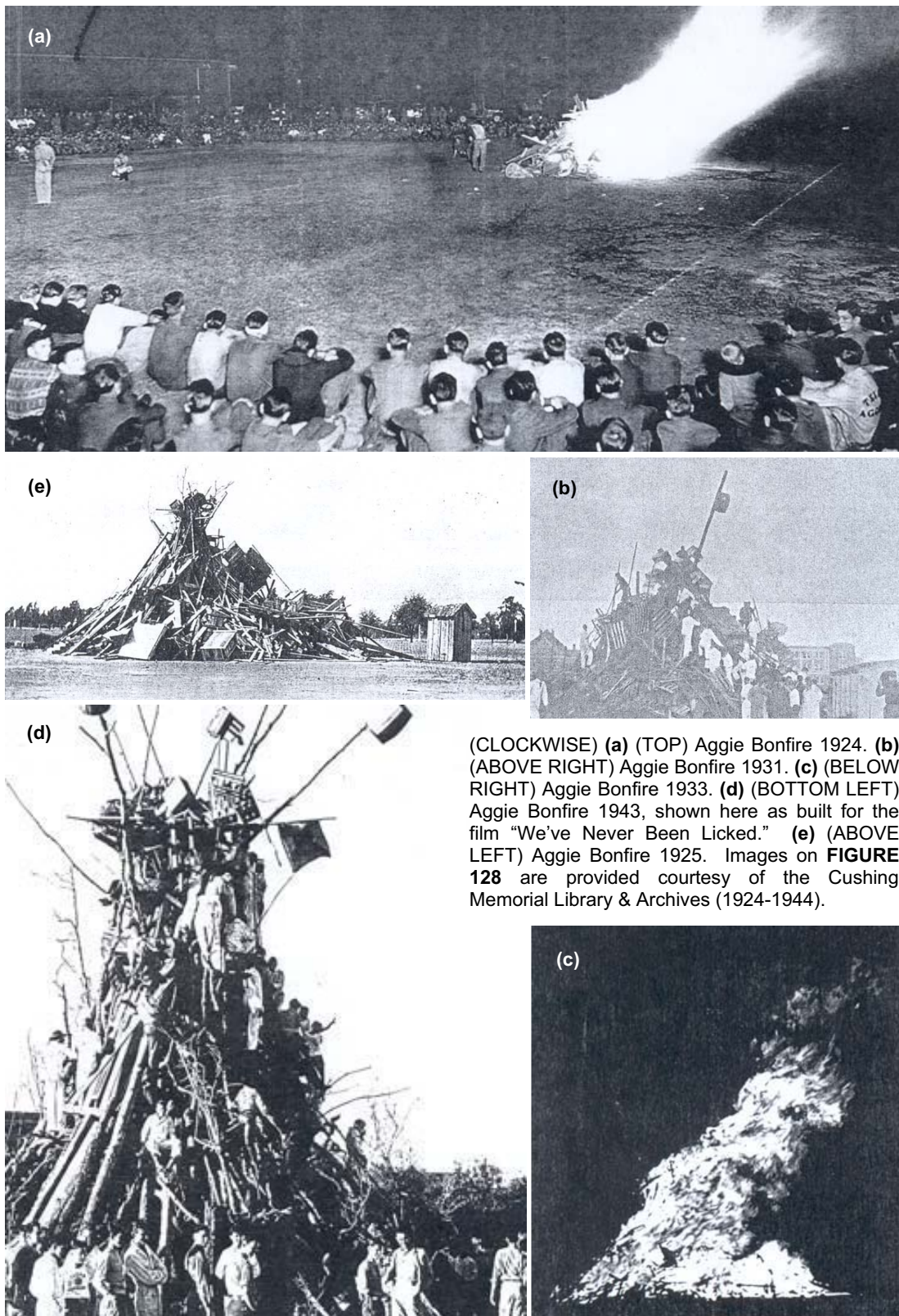


FIGURE 128. Bonfire History (i)

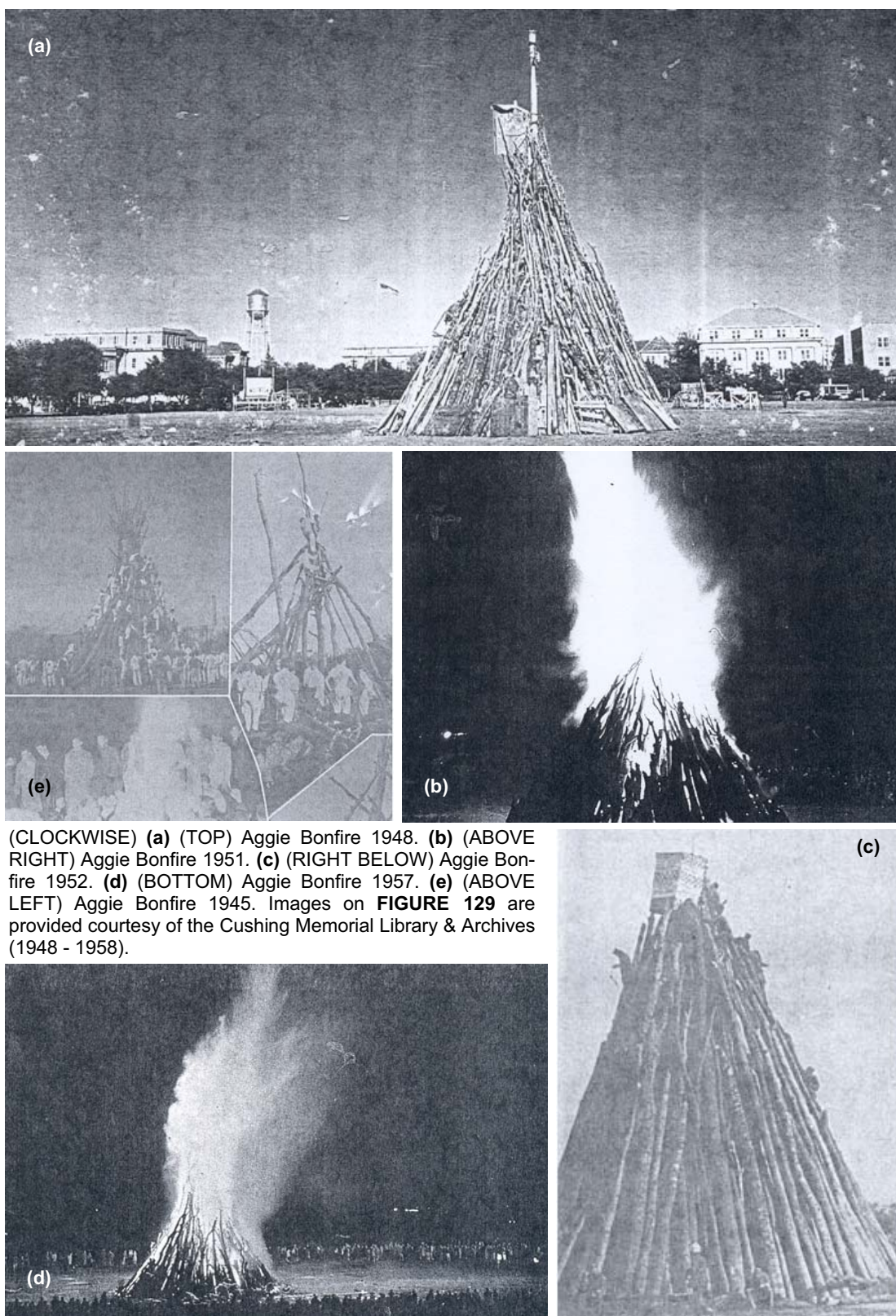
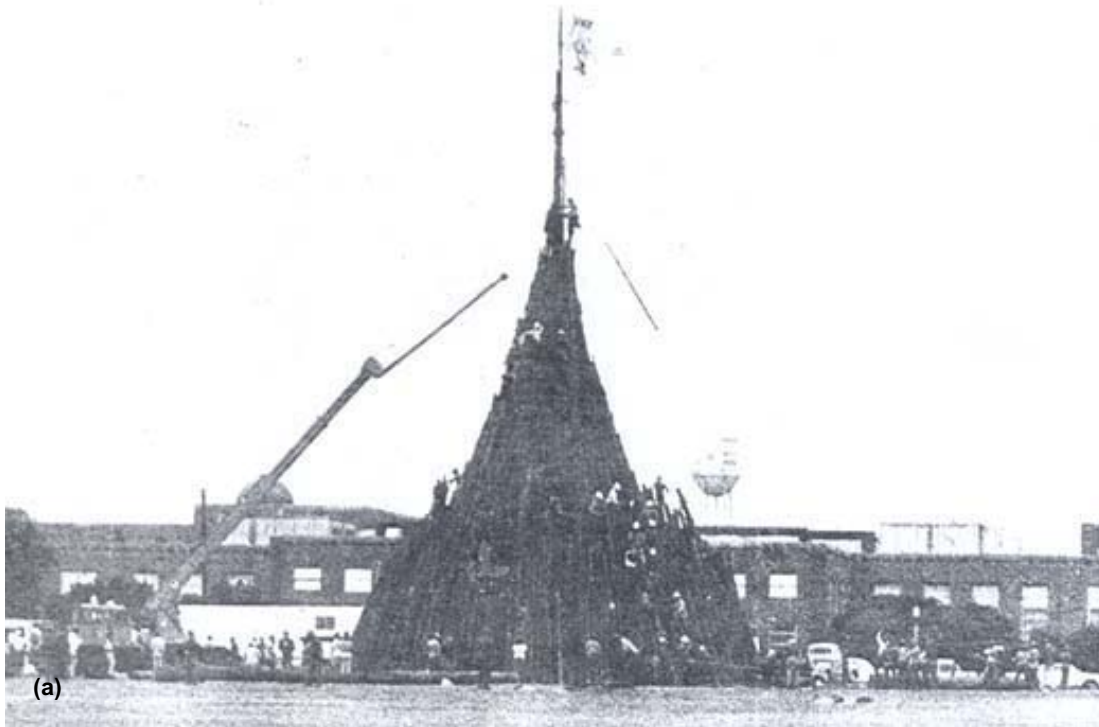


FIGURE 129. Bonfire History (ii)



(CLOCKWISE) (a) (TOP) Aggie Bonfire 1968. (b) (RIGHT) Aggie Bonfire 1989. (c) (BELOW RIGHT) Aggie Bonfire 1995. (d) (BELOW LEFT) Aggie Bonfire 1980. Images on **FIGURE 130** are provided courtesy of the Cushing Memorial Library & Archives (1968 - 1996).

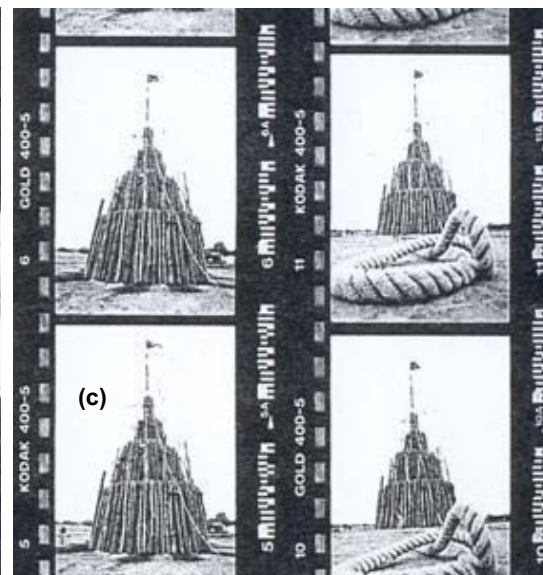
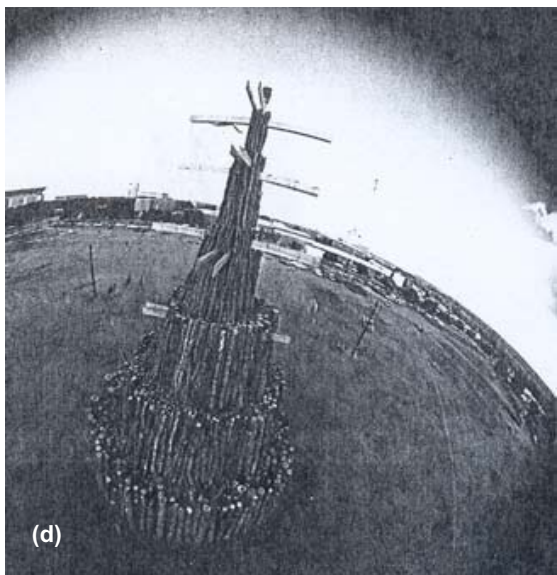


FIGURE 130. Bonfire History (iii)



(LEFT to RIGHT, TOP to BOTTOM) (a) (TOP LEFT) Gravesite, Miranda D. Adams. (b) (TOP RIGHT) Aggie Bonfire 1994, rebuilt in days after collapse. Image provided courtesy of Will Wilkinson (1995). (c) Gravesite, Christopher D. Breen. (d) Gravesite, Michael S. Ebanks. (e) Gravesite, Jeremy R. Frampton. (f) Gravesite, Jamie L. Hand. (g) Gravesite, Lucas J. Kimmel. (h) Gravesite, Bryan A. McClain. (i) Gravesite, Chad A. Powell. (j) Gravesite, Jerry D. Self. (k) Gravesite, Nathan S. West. (l) (BOTTOM LEFT) Student Bonfire Memorial, designed by Overland Partners. All images of **FIGURE 131** except for (b) on this page were taken by Bradley Earl Angell with the assistance of Rodney Hutto and Christine Liu.

FIGURE 131. Bonfire History (iv)

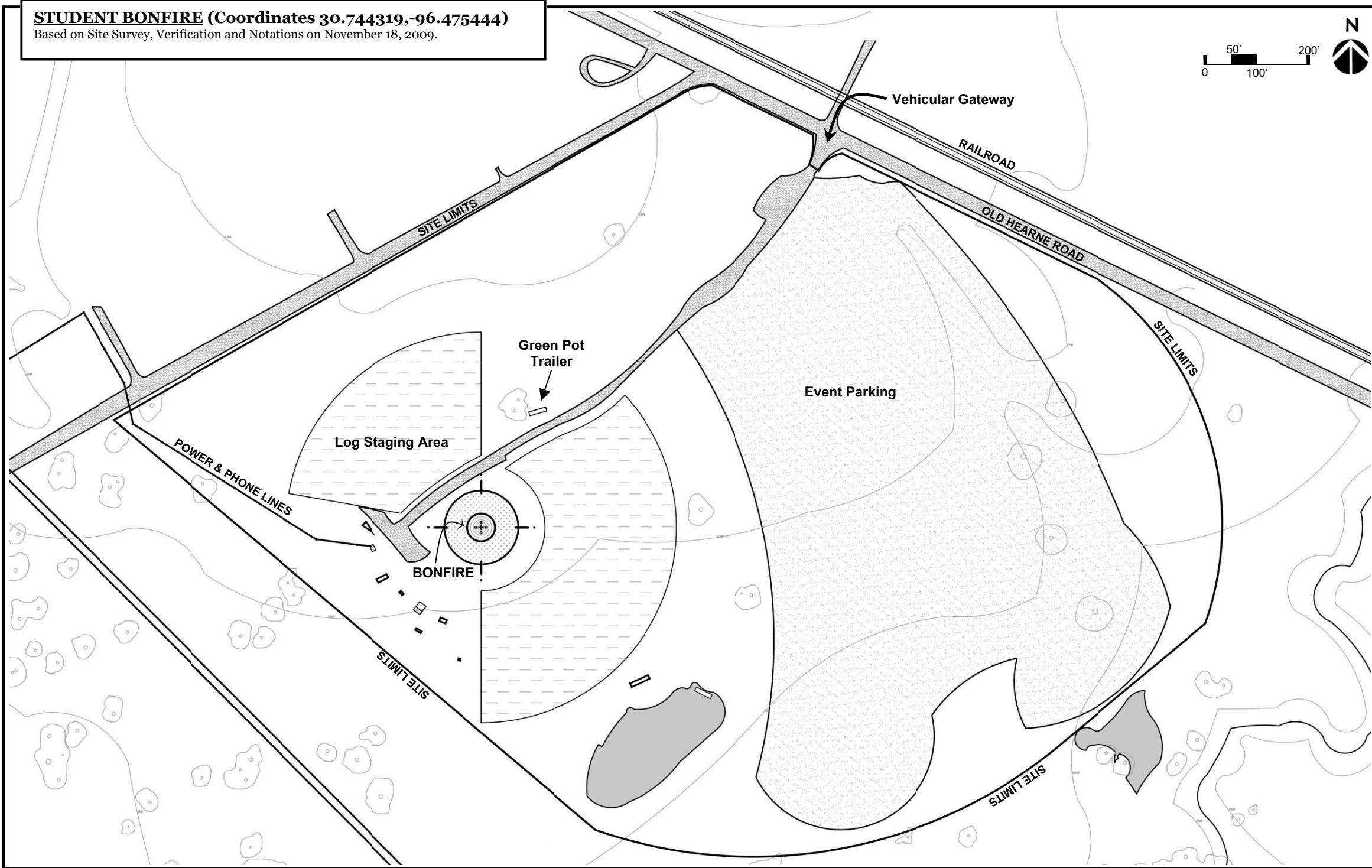


FIGURE 132. Site Plan of Student Bonfire

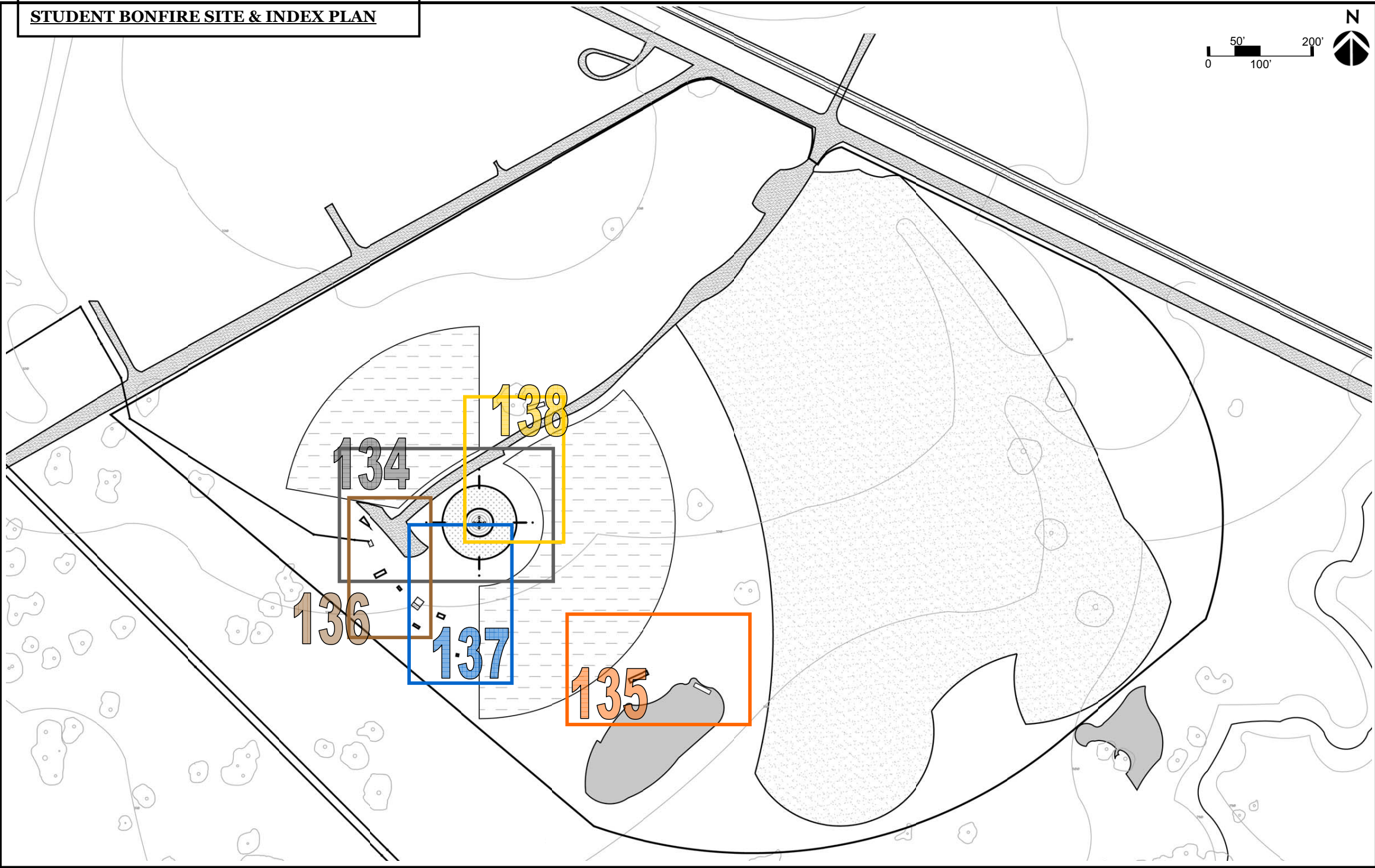


FIGURE 133. Index Plan of Student Bonfire

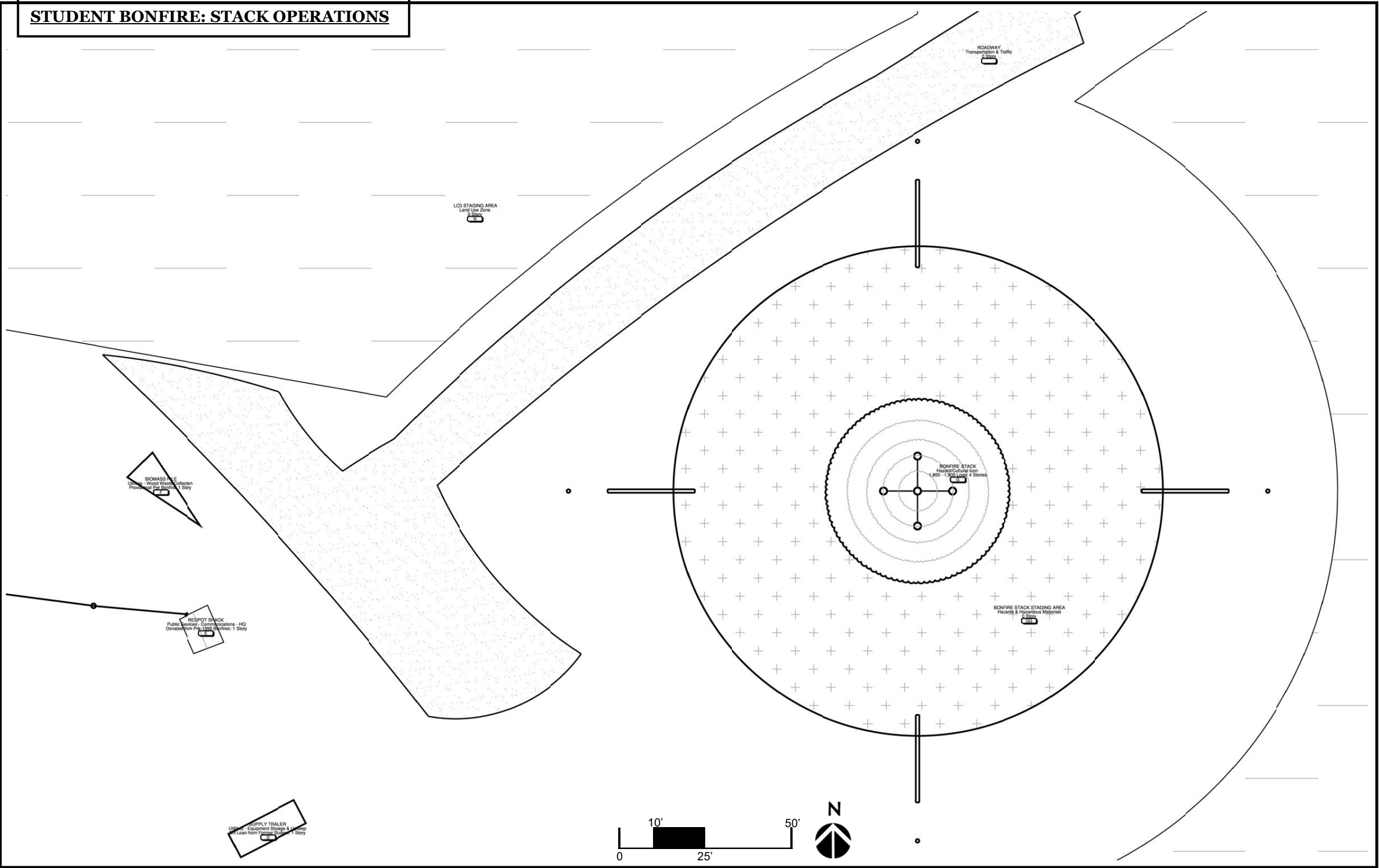


FIGURE 134. Stack Operations

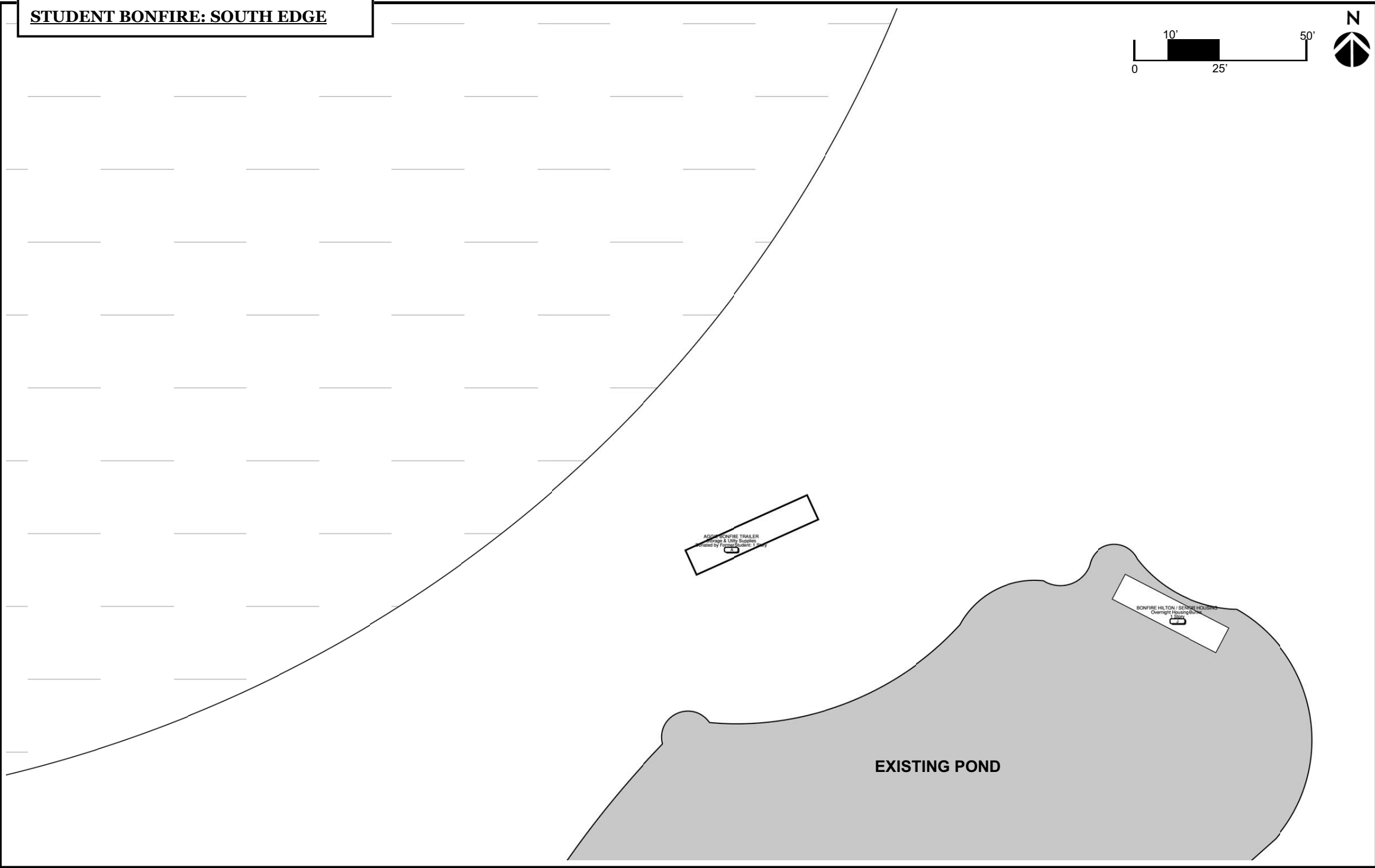


FIGURE 135. South Edge

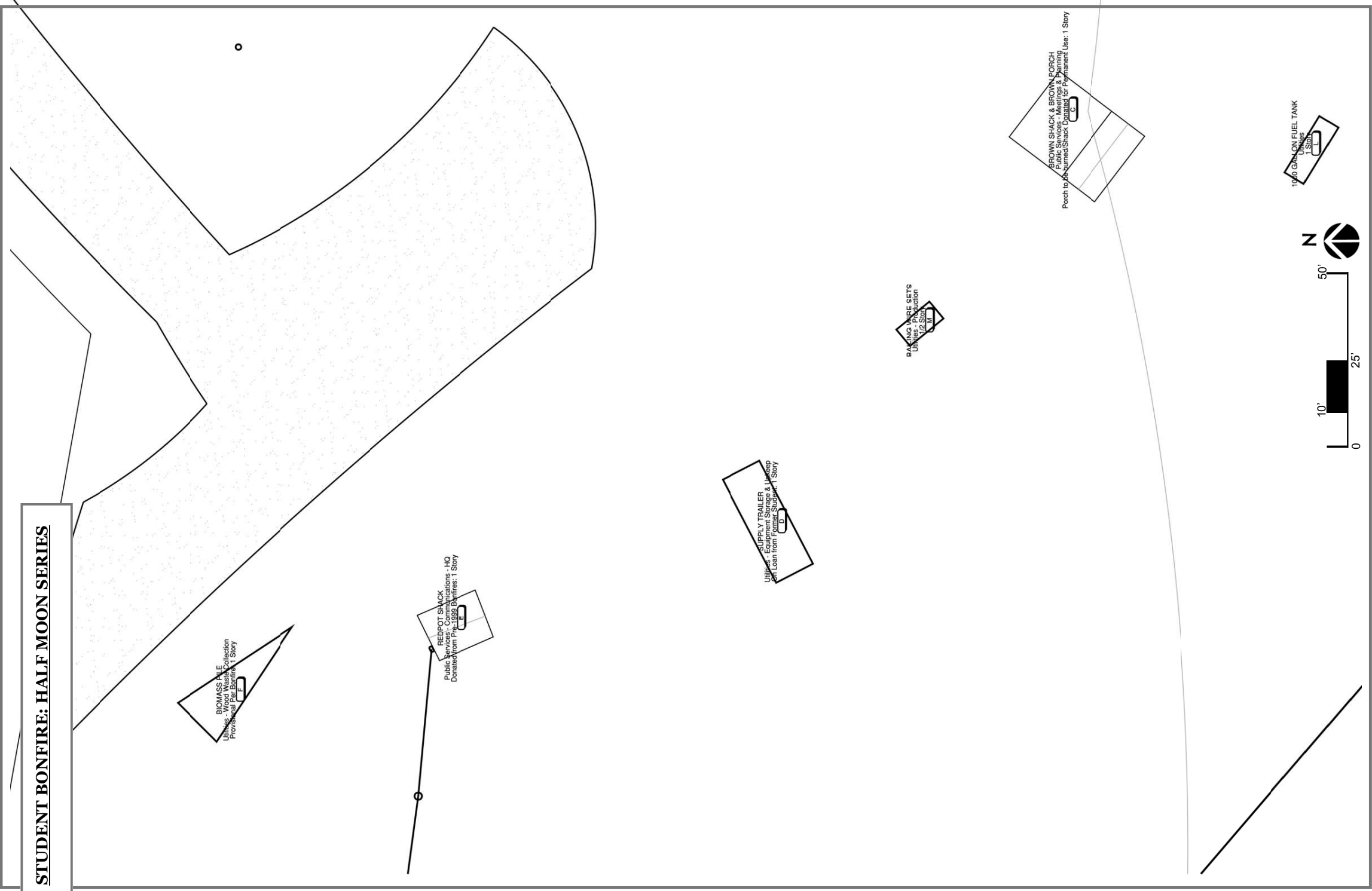


FIGURE 136. Half Moon Series

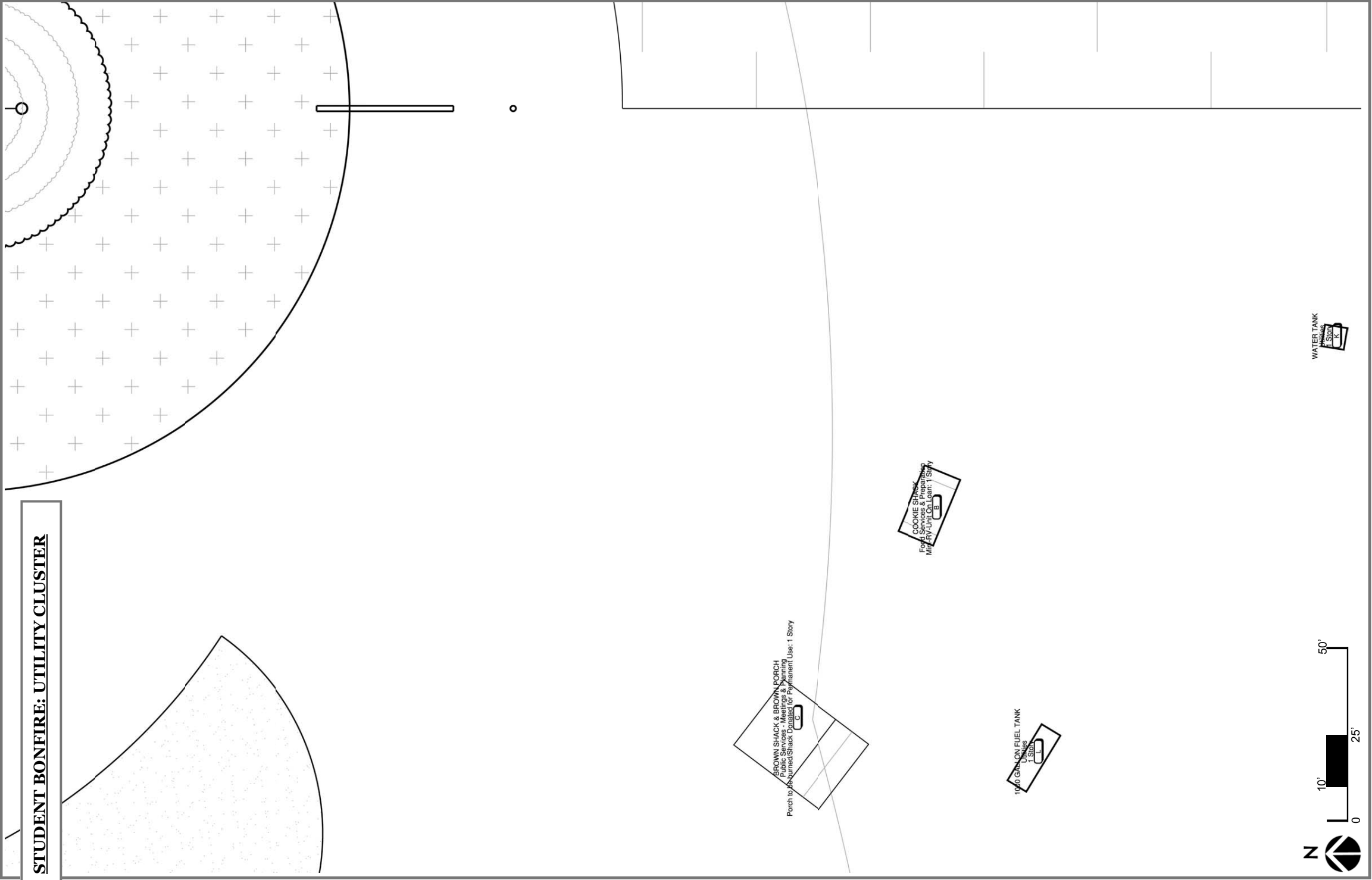


FIGURE 137. Utility Cluster

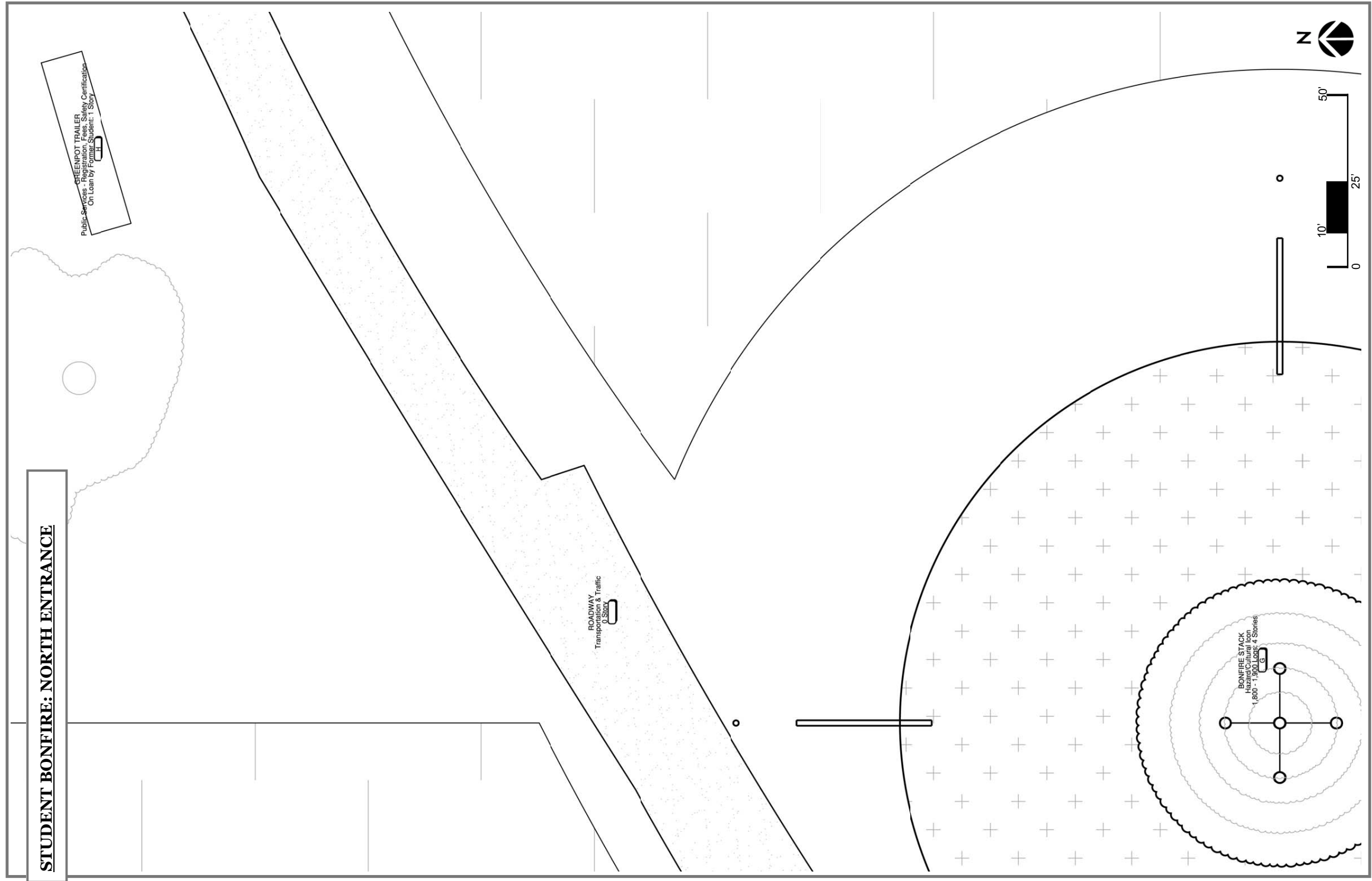
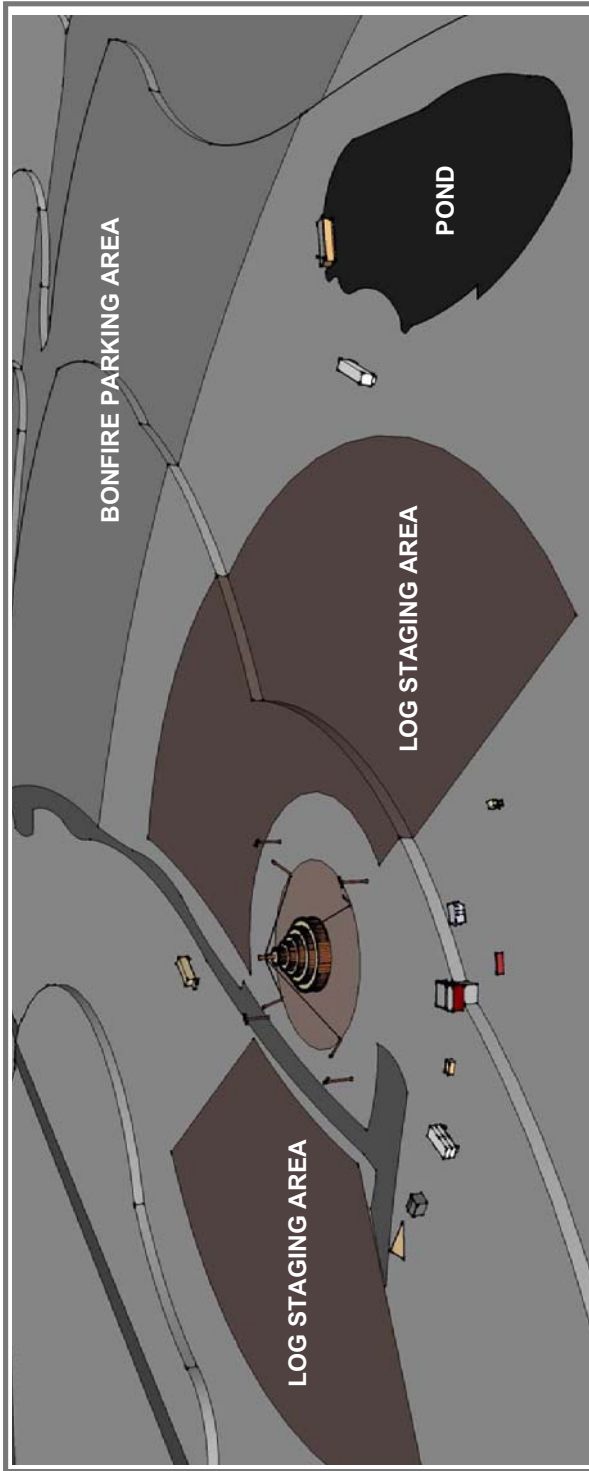


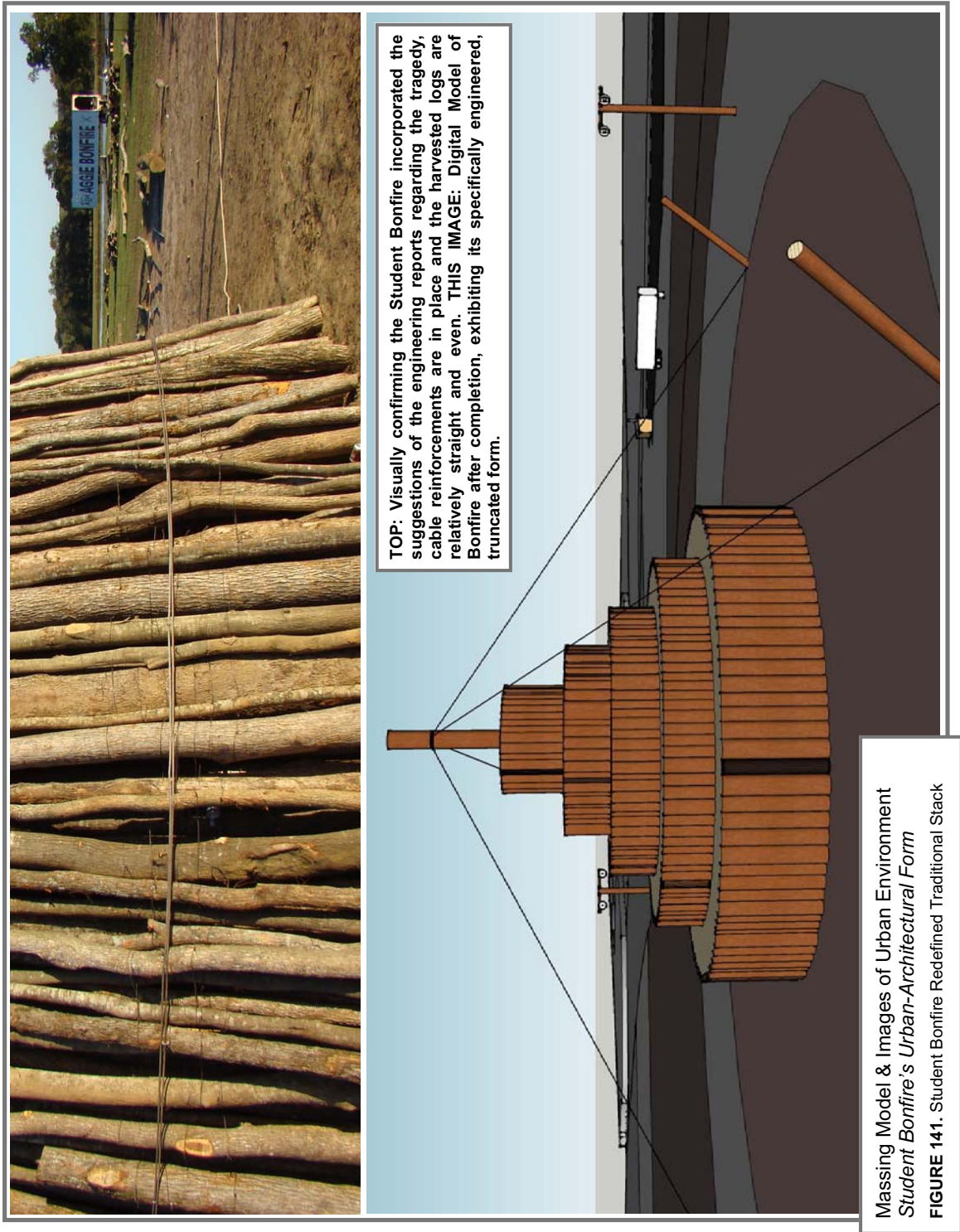
FIGURE 138. North Entrance

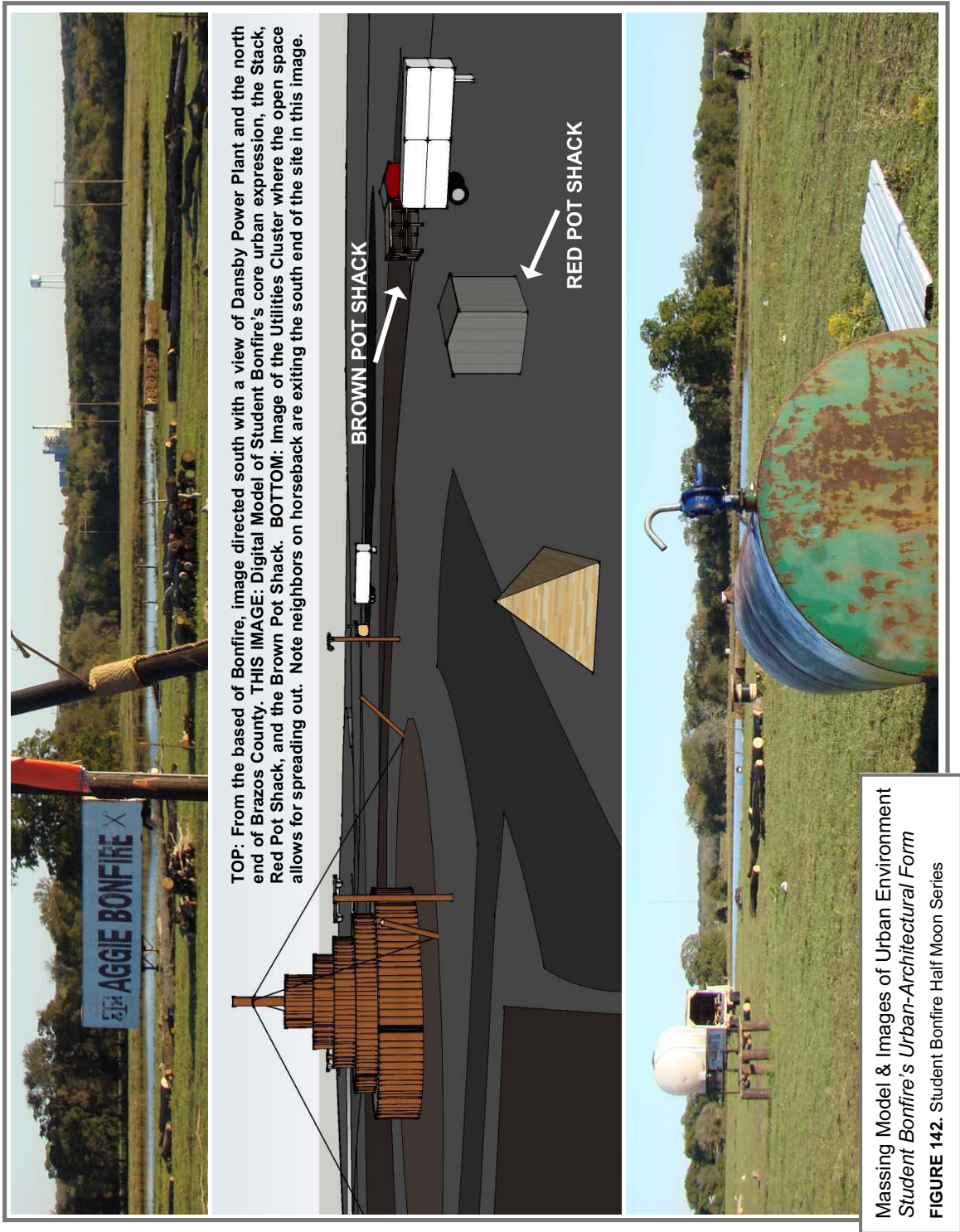


Massing Model & Images of Urban Environment
Student Bonfire's Urban-Architectural Form
FIGURE 139. Student Bonfire Site Overview

TOP: Digital Model of Student Bonfire Stack & Burn Site. **ABOVE:** Image of the backside of the iconic AGGIE BONFIRE Trailer, exhibiting the wear and tear suffered by the tradition since the 1999 collapse.

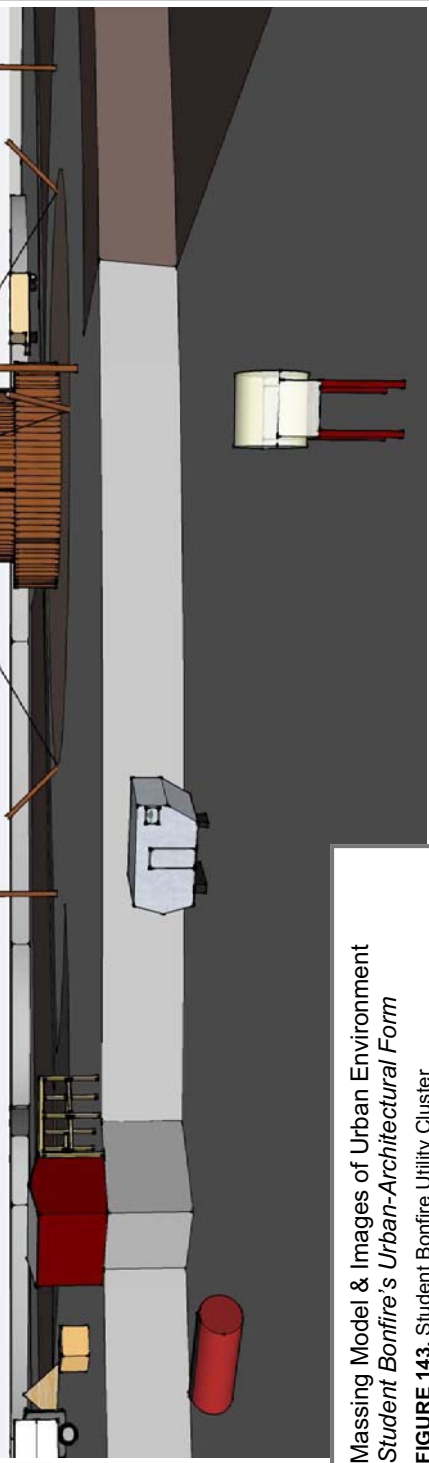








TOP: View of Student Bonfire Site from AGGIE BONFIRE Trailer. ABOVE: Image of Site from Cookie Shack. THIS IMAGE: Digital Model of Student Bonfire from Utility Cluster. Topography of site has noticeable shed towards the pond at the south end of the site.

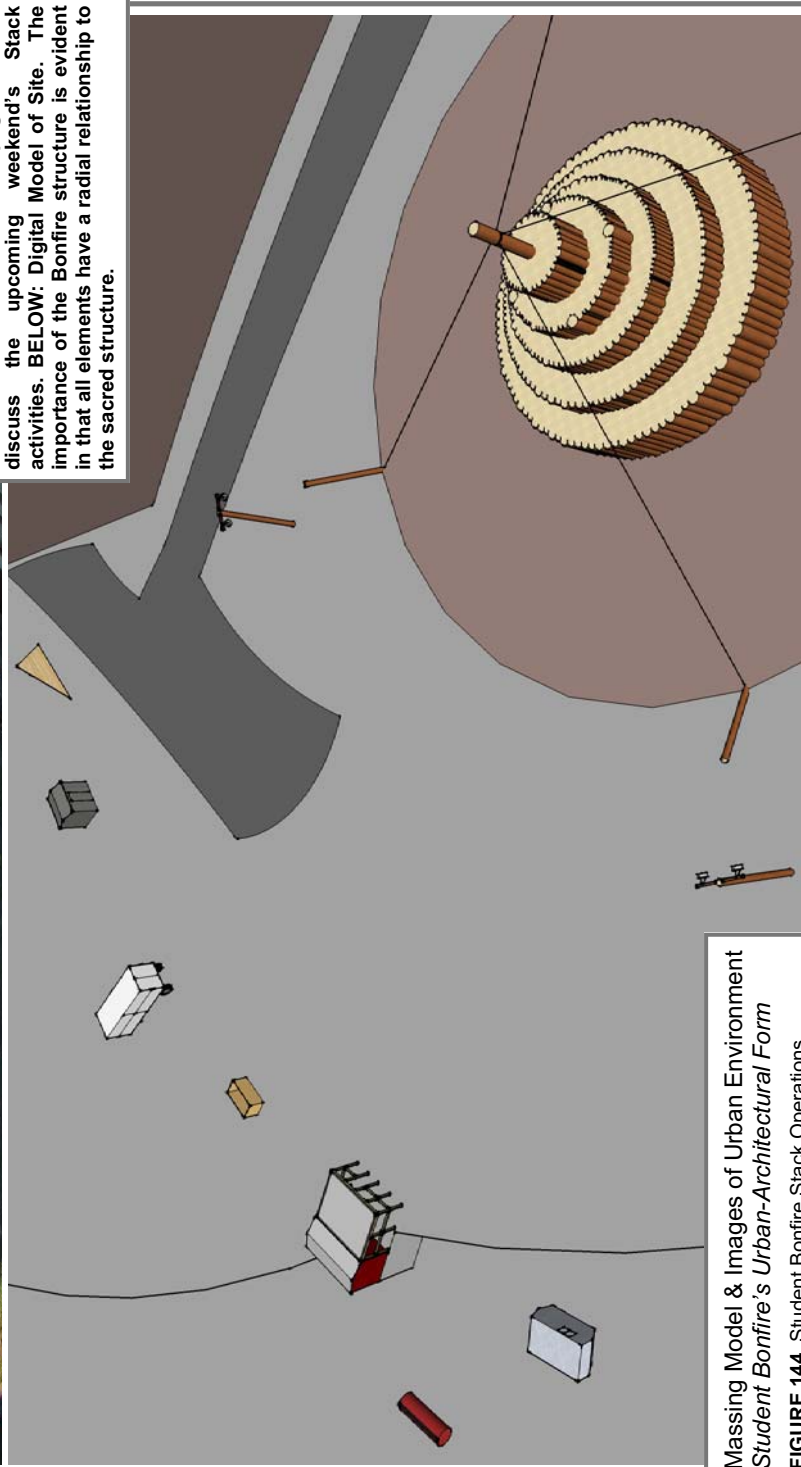


Massing Model & Images of Urban Environment
Student Bonfire's Urban-Architectural Form

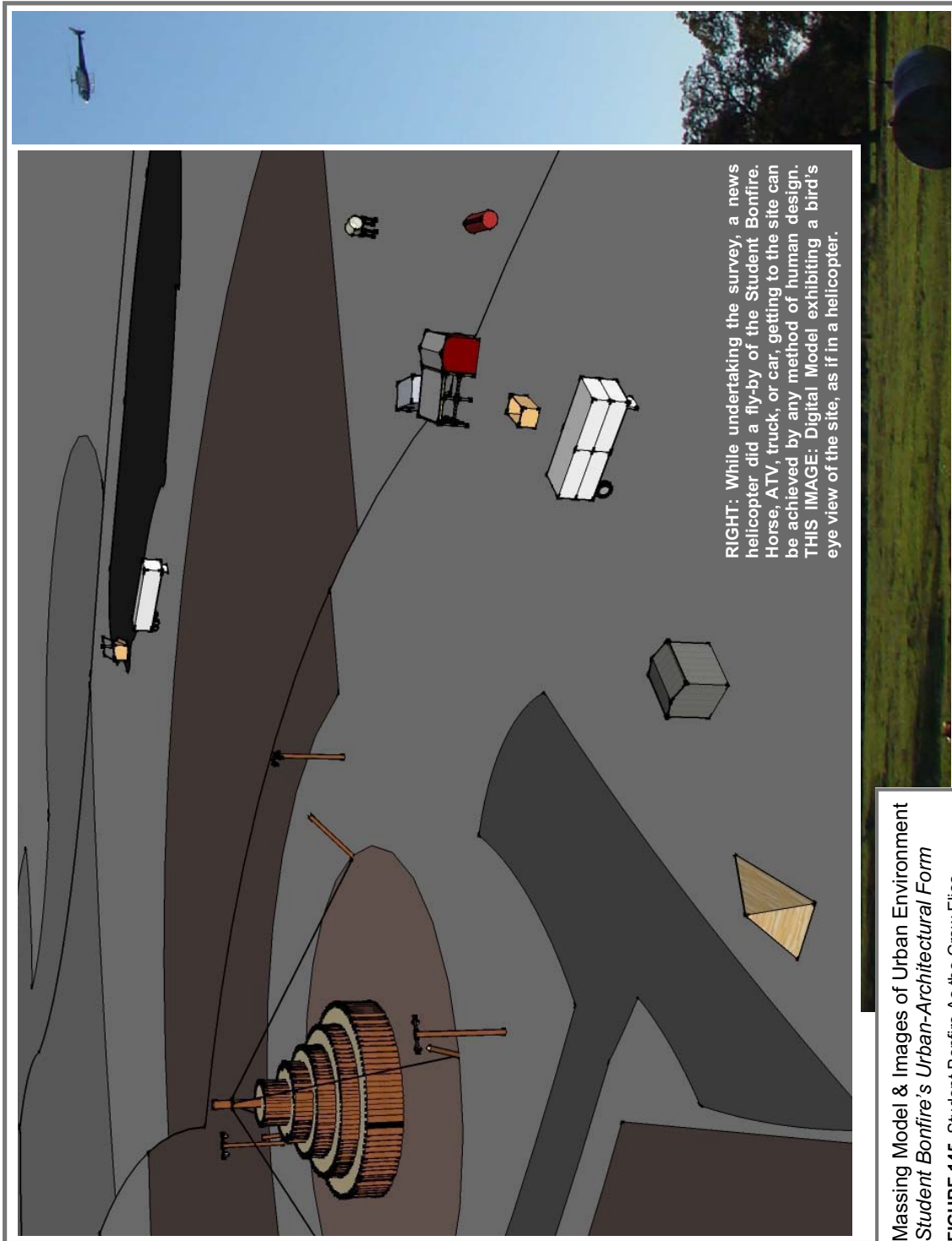
FIGURE 143. Student Bonfire Utility Cluster



TOP: Student Bonfire leadership gathers and discuss the upcoming weekend's Stack activities. BELOW: Digital Model of Site. The importance of the Bonfire structure is evident in that all elements have a radial relationship to the sacred structure.



Massing Model & Images of Urban Environment
Student Bonfire's Urban-Architectural Form
FIGURE 144. Student Bonfire Stack Operations



RIGHT: While undertaking the survey, a news helicopter did a fly-by of the Student Bonfire. Horse, ATV, truck, or car, getting to the site can be achieved by any method of human design. THIS IMAGE: Digital Model exhibiting a bird's eye view of the site, as if in a helicopter.

Massing Model & Images of Urban Environment
 Student Bonfire's Urban-Architectural Form
FIGURE 145. Student Bonfire As the Crow Flies

D.3.1. Memory of Fire

*This old porch is like a weathered gray haired seventy years of Texas
Who's doin' all he can not to give in to the city
And he always takes my rent late so long as I run his cattle
He picks me up at dinner time and I listen to him rattle*

*He says the Brazos still runs muddy like she's run all along
There's never been no cane to grind and the cotton's all but gone
You know this Chevrolet pickup truck, hell she was somethin' back in '60
But now there won't nobody listen to him 'cause they all think he's crazy⁸¹⁴*

Before departing from our primary research location in McLeod Ganj, our small team took the final hours in the village to visit the tourist sites. First we visited the Tibetan Museum, followed immediately by a visit to His Holiness the Dalai Lama's monastery. On the monastery grounds, crimson robed monks were everywhere cleaning, visiting, washing and basically conducting everyday, normal non-monk type activities. As one of the monks carrying some buckets passed by a Japanese family, in jest, he belted out a guttural, bass chant that shocked everyone in relative proximity. Instantly after, he laughed, leading everyone who heard him to laugh and go on enjoying the grounds.

In our group, we too discussed the small event, and I was instantly reminded of these same feelings I felt when I first moved to College Station to attend Texas A&M University in 1994. The quipped Tibetan chant was truly unworldly, stark in its naked expression absent the usual spiritual ceremonies and preparatory setting. It was clear this monk had trained for this skill for an indefinitely long period of time, and although it seemed strange to tourists, to him, it can only be assumed to be as normal as his other daily duties washing the floors or hanging wet sheets on the rooftop clothesline. This comfort and ease with which the Tibetan exiles could comeingle these strange traditional practices with contemporary life reminded me of the Texas Aggies throughout our stay in McLeod Ganj.

I recognized this schizophrenic community "typology" immediately upon our research team's arrival in the McLeod Ganj. I knew this general community arrangement because I lived it for years in Aggieland. Years ago, when I first visited College Station as a high school student evaluating undergraduate institutions for study, I first felt nervousness at the sight of the uniformed Corps of Cadets. The Corps, much like the Tibetan monks, represent a body of devout, unrelenting believers intermixed with a campus full of largely unknowing accomplices. But, with time, that nervousness transitioned into a cognitive comfort, based on the legibility of a

⁸¹⁴ ROBERT EARL KEEN, *The Front Porch Song*, NO KINDA DANCER (Sugar Hill Records 1984).

community advancing a single collective desire in one urban location. In McLeod Ganj, it is argued that desire has its basis in realizing Tibetan Nationalism. In Aggieland, that desire is quite different and is the subject of this second real-world case study of minor architecture.

There are very few actual similarities between the Tibetans and the Aggies, but one of them is the common identification with the darker shade of red. In Tibetan circles, that color is referred to as “crimson,” a word in and of itself that *sounds* spiritual and special. In Aggieland, this nearly identical color is bluntly referred to as “maroon.”

crimson, *n.* **1.** deep red **2.** deep-red coloring matter – *adj.* **1.** deep-red **2.** bloody.⁸¹⁵

maroon, *n., adj.* dark brownish red.⁸¹⁶

maroon, *n.* **1.** in the West Indies and Suriname, a) orig., a fugitive black slave b) a descendant of such slaves **2.** a marooned person – *vt.* **1.** to put (a person) ashore in some desolate place, as a desert island, and abandon that person there, as pirates or mutineers sometimes did **2.** to leave abandoned, isolated, or helpless – *vi.* in the South, to camp out or picnic for several days.⁸¹⁷

It could be argued that the choice of *maroon* rather than crimson is subconsciously telling of a very condition of Aggie identity. As the university is established in a wholly rural setting, from its inception this academic community has harbored an intrinsic perspective of being on the ever-present brink of irrelevance. Since the Texas Agricultural & Mechanical College was opened in 1876, the University and its campus community have perpetually existed on a collective plateau outside that which is deemed appropriate by the dominant culture.⁸¹⁸ Be it the result of outright abandonment, geographic isolation, or expressed helplessness in the face of contemporary globalization, maroon is more than a school color; maroon is a condition central to the identity of every Texas Aggie.

As is also typical of the culture at Texas A&M, the negative combination of isolation and near-irrelevance over the decades was reconfigured as a necessity for molding the very essence of *the*

⁸¹⁵ WEBSTER'S NEW WORLD DICTIONARY, *supra* note 165, at 328.

⁸¹⁶ *Id.* at 829.

⁸¹⁷ *Id.*

⁸¹⁸ Institutional Culture Task Force Interim Report, BONFIRE 2002 STEERING COMMITTEE, 6 (Apr. 13, 2001).

Aggie.⁸¹⁹ The stresses of such personal and institutional changes over more than a century have produced a robust multitude of symbols, traditions, and rituals. More than other, more stable college communities, traditional practices developed at Texas A&M provided the common ideas, identities and experiences necessary to increase group cohesion and successfully forestall disintegration at points of acute marginalization in the school's history.⁸²⁰ Fortunately for contemporary members of the Texas A&M University community, this isolation-irrelevance condition for the Aggie identity has largely faded as first, the local Bryan-College Station region has rapidly urbanized in recent years, and second, the University itself in the past two decades has won established praise as a top-tier global research and teaching institution.

For those who were attracted to Aggieland due to its uniquely spirited and traditional milieu, as the University has emerged out of isolation and irrelevancy, those major symbols, traditions, and rituals so important in preserving the collective identity of the Texas Aggie are themselves increasingly marginalized as historical artifacts of a past, unknown Aggie identity. This pre-1990's identity of "Red-Ass" Aggie investment now suffers the specter of irrelevance in light of the contemporary condition of Aggieland *within* the dominant culture's purview of acceptance.⁸²¹ As was stated in the Interim Report of the Institutional Culture Task Force in 2001, "Today's Aggies are much less like Aggies of the past than they imagine, and much more like their contemporaries at other large American universities."⁸²²

At center stage of this transition of identity is the Texas Aggie Bonfire. A tradition beginning in 1909, the Aggie Bonfire evolved over the decades into a gigantic symbol of spirited passion on the Texas A&M University campus. On November 18, 1999, as the Bonfire was nearing completion and weighed an estimated 3 million pounds, the colossal edifice suffered a severe structural failure and spilled out onto the Polo Fields on the north corner of campus. After the logs were removed and a tally was taken, 12 members of the Aggie community died and 27 others were injured in the tragedy.

⁸¹⁹ Paul Burka, *The Aggie Bonfire Tragedy*, TEXAS MONTHLY, 149 (Apr. 2000). Burka describes Aggieland as "a positive island in a cynical sea" to explain how many negative attributes of university life in College Station are regularly reconfigured or adjusted to both maintain difference and create a positive attitude towards such a negative circumstance.

⁸²⁰ Rowntree, Lester B. and Conkey, Margaret, "Symbolism and the Cultural Landscape," *Annals of the Association of American Geographers* 70 (1980): 459-474.

⁸²¹ Pamela Colloff, *Eternal Flame*, TEXAS MONTHLY, 43 (Jan. 2004). The article quotes students witnessing Bonfire customs with the following sentiments: "It seemed outdated," she said. "It didn't seem to fit with what we were trying to do at A&M." See also Burka's *Bonfire Tragedy*, *supra* note 819, at 148 - 149. Burka does an excellent job of configuring the paradox of contemporary Aggie identity in the following quotes: "The administration has never known quite what to do about it; it needs the RA [Red-Ass] Aggies to uphold the school's uniqueness and guard its traditions, but it doesn't need drinking, hazing, racism, and strippers, and it has never figured out how to get one without the other." "The result of the RA [Red-Ass] attitude is that, while almost every Aggie loves the hoopla of Bonfire night, many Aggies do not want to be involved with the building of Bonfire."

⁸²² Institutional Culture Task Force Interim Report, *supra* note 818, at 6.

Beyond the obvious grief and despair brought upon by the impact the tragedy had on the actual lives of students and former students working on the project, a great deal of frustration was expressed as a reaction to the official termination of the tradition itself.⁸²³ As such reactions could be hard to understand on the surface by the general public, in Aggieland, “tradition never dies easily.”⁸²⁴ This idea is especially true in regards to the Bonfire tradition, a unique collective effort of mythic proportions, one that had only increased in importance to the contemporary Aggie image as the University itself increasing became an institution of global standards. Here, the Interim Report of the Institutional Culture Task Force explains why the Aggie Bonfire was so important to the very identity of the Texas Aggie at the time of the 1999 collapse:

What had been a small, regional military college became a large, institutional research university in the space of a few decades, and as it did so Bonfire became an enormous monument to the proposition that in doing so TAMU had not lost its soul. At some point Bonfire was no longer simply a tradition, which is to say an annual event – it was the physical embodiment of Tradition, a visible assurance that the essential values of the University were being preserved even as the school itself was changed beyond recognition.⁸²⁵

An adage I enjoy for regular application states: “There are two things that can ruin anyone: success and failure.” Here, over the years as Texas A&M College/University has avoided disintegration (i.e. failure), the Aggie community has employed the rituals, traditions and symbols - including Bonfire - unique to the Aggie experience for social cohesion and ultimately, collective survival. Now, facing overwhelming institutional success and thorough communal rationalization, those very same rituals, traditions, and symbols that were instrumental in staving off disintegration now themselves face ultimate ruin in the newfound evolving collective environment that is Aggieland.

In essence, as Texas A&M University has become an institution of global standards, the rationality of globalization threatens to disengage those mechanisms that have maintained the integrity of the University through its history. At focus in this local demonstration of the diluted difference endemic to globalization, the Bonfire tradition is at the heart of a hard-fought struggle between the established collective Aggie heritage and undeniable change sweeping this uniquely Texas institution.⁸²⁶ This struggle found its defining moment with the 1999 collapse, proving that the Texas A&M University institution neglected this aspect of its heritage to such an extent so as to make it wholly unsafe for community members.

⁸²³ Institutional Culture Task Force Interim Report, *supra* note 818, at 7. Interesting is footnote 16 on this page regarding “the void.”

⁸²⁴ Colloff's *Eternal Flame*, *supra* note 821, at 40.

⁸²⁵ Institutional Culture Task Force Interim Report, *supra* note 818, at 5.

⁸²⁶ *Id.* at 6.

Parallel to the 1999 Bonfire tragedy, the Aggies' greatest historic rival in Austin has found its own community suffering the nuisance of unrestrained globalization, most notably in the form of urban homogenization. As both Austin and College Station have each independently complained of the previously unforeseen impacts of rapid urbanization, both communities have expressed their concerns in the best manner they know how: t-shirt slogans. Ironical as it may be, in direct opposition to the impacts of rational standardization, both communities have commodified their reactions by creating inexpensive apparel to advertise their utmost refutation of these overwhelming impacts of modernization (See **FIGURE 115**).

Originally pitched by local businesses in Austin suffering from outside "Big-Box" commercial incursion, since 2000 the Austin version of the t-shirt has read "Keep Austin Weird." In College Station, after the success of College Station's newly renovated urban cluster of music venues off Church Street known as Northgate, the conservative base in Aggieland became concerned at the onslaught of popularity and diversity experienced in this otherwise traditional community.⁸²⁷ In reaction to its recent popularity, a rash of surprisingly successful music festivals, and the fact that non-Aggies were actually traveling *to* College Station for liberated fun, traditionalists of Aggieland printed shirts that read an antonymic message of the Austin model: "Keep College Station Normal."

In true Austin fashion, as nothing can occur without an associated music festival, the "Keep Austin Weird" campaign grew into a live music event, a 5K race and a cluster of craft tables for Austin "Weirdos" to peddle their wares.⁸²⁸ Taking cues from Austin (but never admitting it), Aggieland has expressed its "normalcy" outside the values of the dominant culture with a newfound festival weekend in the Spring Semester of each year. Billed by many current students as *the* Bonfire Alternative⁸²⁹ to fill the spiritual "void"⁸³⁰ left after the 1999 tragedy, the Chilifest cook-off and three day music festival began as a community-wide event in 2000. Since its

⁸²⁷ The peak of popularity for the Northgate district came in mid-2000s in the form of the week-long Northgate Music Festival. The Northgate Music Festival, previously known as the "North by Northgate" festival began in the late 1990's as a direct counterpart to Austin's South by Southwest [SXSW] festival. Both due to new rules enforced in the Northgate district regarding alcohol as well as the overwhelming success of the Chilifest festival in Snook, the Northgate Music Festival became irrelevant and apparently discontinued in 2008.

⁸²⁸ *9th Annual Keep Austin Weird Fest & 5K* (August 2011) <<http://www.KeepAustinWeirdFest.com/event.php/festival>>.

⁸²⁹ Since the 1999 Bonfire Tragedy, the Texas A&M administration has at times proposed a "Bonfire Alternative," most likely in the form of a multi-project Habitat for Humanity endeavor whereby whole blocks of residential development are undertaken in the Bryan-College Station region. See Former TAMU President Dr. Ray Bowen's direct quote regarding a "Bonfire Alternative" in Pamela Colloff's *Ring of Fire*, TEXAS MONTHLY, 180 (Nov. 2009).

⁸³⁰ Institutional Culture Task Force Interim Report, *supra* note 818, at 7. Since the 1999 Bonfire Tragedy, a spiritual "void" is constantly referenced within the Aggie Community, officially discussed in this Report on the Institutional Culture of Aggieland. As discussed in the §D.6. Fight Club Case Analysis, it is alarming to witness the use of this replacement methodology for coping with the negative trends of recent global rationalization. Here, as is commonly heard in Alcohol Anonymous [AA] meetings, the "void" is filled with an accelerated agenda of alcohol consumption, communally coping with negative feelings by inducing a short-lived collective drug- and music-based euphoria.

inception, the three-day festival that is driven by the mantra of “beer-drinking as a charitable enterprise” now boasts crowds greater than 40,000 at recent episodes of the concert weekend.⁸³¹

More important in the scope of change in Aggieland, the Chilifest event is significantly popular due to its ability to attract immense crowds to country performances representing the best in “Texas Country.” Texas country music is a relatively recent sub-genre of country-rock fused guitar music, a musical formula building from the foundation left by artists such as Merle Haggard, Willie Nelson, Robert Earl Keen, Lyle Lovett, David Allen Coe and Jerry Jeff Walker. If one has ever visited any of the entertainment venues of Northgate since the late 1970s, it is impossible to avoid hearing a catalog of Outlaw music represented by these genre-bending artists. Contemporary artists representing this sub-genre include Pat Green, Cross Canadian Ragweed, Reckless Kelly and Jack Ingram. Today, this second-generation expression of Outlaw country is frequently played in an integrated playlist with their originating first-generation trailblazers throughout Bryan-College Station. All of the artists listed above have performed regularly at Chilifest, as most have strong performance roots in Bryan-College Station.

In 2003, the Northgate Music Festival was at its height, bringing excellent bands into College Station, many of whom stopped by after performing at the South by Southwest Festival in Austin. Also, by this time, Chilifest was already a major event for the Bryan-College Station [hereafter “BCS”] region, putting Snook, Texas on the map as the venue’s epicenter of muddy weekend jamming. As these were new products largely of the post-1999 Bonfire era of Aggieland, a newfound cosmopolitan nature of the local urban environment had manifest.

Bringing an altogether different delight in my 2003 return to the area was my first sight of the “Keep College Station Normal” shirts discussed above. I found these t-shirt activists populating some of my favorite long-standing bars and eateries, animating the darker spaces of a more traditional A&M. My delight was not in the truth of the shirts themselves, but rather, in the irony presented by the shirts as to the self-defined narrative of normalcy reified and strictly limited to a shallow radius around the Texas A&M campus in College Station. By any measure, Aggieland has never been and probably never will be described as ‘normal’ by anyone other than those who have already committed themselves to the unique local Aggie culture. Instead, its polarizing politics, collective methods of community and exceedingly friendly atmosphere

⁸³¹ *About Us*, CHILIFEST INC. (2010) <<http://www.chilifest.org/about.htm>>. The methods of beer consumption are so important to this festival that delivery logistics, appropriate conveyance and limitations are outlined in detail on the Chilifest Team Registration form. A primary limitation to the amount of canned beer allowed for the weekend long event is outlined in this manner: “You can bring as much beer as you can carry in on your own power. Carts, Dolleys, Wagons will be allowed.”

continue to drive the region's growth in a uniquely alternative manner (some might say crazy,⁸³² others schizophrenic⁸³³ or paradoxical⁸³⁴), creating a community narrative integrating innovation, tradition, and an agrarian bias in the realized built expression.⁸³⁵

From the outset, Texas A&M has both suffered and survived due to the unique circumstances of the college and its supportive community. Reviewing the previous case, Tibet began as a dominant culture of Central Asia in the 8th century, promoting its own course of spiritual and national autonomy in relative isolation on the Tibetan plateau until the rupture of global modernization came from the PRC in the east. In contrast, the Agricultural & Mechanical College of Texas was born as a minority, constantly fighting back outright marginalization until mainstream agents co-opted the academic community as a facility of rational purposes. After the formerly dignified Agricultural & Mechanical College of Texas, now Texas A&M University [hereafter "TAMU"] transcended its own minor baring as a newfound *international*-scale research institution, those social mechanisms that maintained collective solidarity through its "minor" history as well transcended into a new phase. Although necessarily appreciated on the course to top-tier status, those *other* social mechanisms of minority solidarity indoctrinated at Texas A&M now suffer a newfound specter of irrelevancy.

First of the sacred traditions that have bound Aggies together in the past and are seriously threatened by a global scale of university success is the Aggie Bonfire. Arguably peaking in symbolic and collective value in 1969 when the pyrotechnic structure reached a height of 109 feet, by this point in TAMU's contemporary evolution the institution had already put in place the major communal adjustments in favor of academic rationalization. These major changes were ultimately successful, and as such, the on-campus Aggie Bonfire's mythic importance was incrementally diminished each year as the minority status of the university evaporated.

⁸³² KEEN, *supra* note 814, in his *Front Porch Song* co-written with Lyle Lovett and quoted above, the writers characterize a frequent adjective of Aggie sensibilities as it concerns the love and relationship to their Aggie community. Lyle Lovett recorded the exact song under the title "This Old Porch." The "crazy" characterization of the Aggie is also ironic in that in the 1880's there was a substantial political state-wide push to close the Texas A&M campus and convert it to a lunatic asylum. See Burka's *New Aggies*, *supra* note 813, at 108. The threat of conversion was not alleviated until L.S. Ross became the TAMC President in 1891.

⁸³³ DELEUZE & GUATTARI describe contemporary capitalism as an actively schizophrenic activity in their book *A THOUSAND PLATEAUS*, *supra* note 22. This idea presented by the philosophers was surveyed by ROWAN MOORE in *VERTIGO: THE STRANGE NEW WORLD OF THE CONTEMPORARY CITY* (1999). The "schizophrenic" adjective allows for an adequate explanation of a single entity having a multitude of beliefs and objectives in the same time period and within the same physical space.

⁸³⁴ In his paper, Smith outlines how this communal balance (or perhaps sustained dissonance) should be characterized as a paradox. See Smith, *supra* note 122, 182 – 201.

⁸³⁵ See Smith, *supra* note 122, at 184 - 186.

Evidence of the diminished importance of the tradition is clear by the increased negligence expressed in the construction of the Bonfire structure over the years. In 1994 the Aggie Bonfire collapsed without human injury for the first time in its history, leaning heavily to one side after a night of torrential rains. On November 18, 1999, a second collapse of the Aggie Bonfire occurred and was tragic. The structure failure killed 12 and injured 27 while they were working on the massive 3 *million* pound structure.

The magnitude of this event was so significant that its 10-year anniversary was marked with a flood of media coverage in Texas as residents continued to grapple with the “Aggie Bonfire problem.” In his editorial letter in TEXAS MONTHLY of November 2009, Jake Silverstein makes clear the importance of Aggie Bonfire not only for Aggieland, but to Texas as a whole:

Every story about Texas A&M is a story about tradition versus change. In this way it is the most Texas of all our schools. Not because its particular customs are so emblematic of the state – they’re more a reflection of A&M’s military history than anything else – but because a similar struggle between mythic heritage and contemporary reality has defined Texas throughout the decades. Like Texas, the Aggies have age-old rituals (Elephant Walk, senior boots) that to the outsider seem like the customs of a foreign nation. A&M prides itself on being different – really different – from other schools, and it reveres all the little details of Aggie life that make it so. Much the same thing could be said about Texas. We are all Aggies.⁸³⁶

Silverstein titled his piece “Memory of Fire,” a telling notion of the contemporary non-existence of the massive structure that burned for 90 years each November before the rival game with the University of Texas. This struggle between the hard fought collective heritage and the sweeping changes endemic to the economic advancement of the Texas economy have had an especially acute impact on Aggieland’s cultural landscape. At the symbolic heart of these changes, the Aggie Bonfire tradition has manifest as a spiritual outlet in the mythic struggle for a lasting Aggie identity, a conflicted identity that began shortly after the Civil War.

D.3.1.1. A Minority Institution from Inception

In the United States, the Civil War broke out in 1861 after the newly formed Confederate States of America [hereafter “CSA”] attacked a military base in South Carolina. A year after the CSA had waged war on the United States for independence, the remaining members of the U.S. Congress passed the Morrill Land Grant Act and President Lincoln signed the bill on July 2, 1862. Prior to the CSA’s succession, the Morrill Act was impossible to pass due to the South’s

⁸³⁶ Jake Silverstein, *The Memory of Fire*, TEXAS MONTHLY, 28 (Nov. 2009).

suspicion that the Land Grant education system would be, among other things, a major implication of federal power upon the business of state government.⁸³⁷

For a decade after the Civil War during Reconstruction (1865-1877), African-Americans had some success running and winning political office at both the State and Federal level of government. The Morrill Land Grant Act, which was passed at the federal level before Reconstruction, allocated grants of federal land for the establishment of a national system of agricultural and mechanical colleges. After the Civil War, the Morrill Act was still an active piece of legislation but the statute required each state to accept the conditions of the law by November of 1871 in order to receive the land allocation and funding intended to establish each state's public university institution. Led by the newly elected black delegates, the Legislature of Texas accepted the Morrill Act in April of 1871, just months before the federal deadline.⁸³⁸

Based on passage of this law, Texas A&M was founded in 1876 and Prairie View A&M University was founded in 1878,⁸³⁹ creating by fiat a bifurcated public-school system focused on the study of the agricultural and mechanical arts for both white and African-American Texas residents. Texas A&M and Prairie View A&M Universities were located in Brazos and Washington County, respectively, two counties that at the time had African-American political representation as they were both populated with a majority of African-American residents. Today, it is argued that Texas A&M and Prairie View A&M are the only two tangible achievements of the bi-racial Reconstruction-era democracy that held power in Texas from 1868 until the early 1870s.⁸⁴⁰

Immediately after opening, leadership over this most tangible product of bi-racial political success was offered to the former president of the CSA, Jefferson Davis. Although interested in the position, he begrudgingly declined the leadership post and instead suggested the Thomas Gathright as an appropriate administrator. Immediately thereafter, Gathright was appointed to lead the new college and quickly proved to be wholly unsuccessful at running the new Texas A&M College. Although he failed the school, he was successfully began a lineage of Confederate sympathizers and former CSA officers to administratively lead Texas A&M. After Gathright failed to institutionalize a novel agricultural and mechanical basis for instruction intended in the

⁸³⁷ Craig L. LaMay, *Justin Smith Morrill and The Politics of the Land-Grant College Acts*, A DIGITAL GIFT TO THE NATION: FULFILLING THE PROMISE OF THE DIGITAL AND INFORMATION AGE, 77 (April 2001).

⁸³⁸ Dale Baum, *A Statute on the Texas A&M University Campus to a Former Slave?* THE TOUCHSTONE (Summer 1994) <<http://www.tamu.edu/faculty/gaines/sb276.html>>.

⁸³⁹ *History of Prairie View A&M University*, PRAIRIE VIEW A&M UNIVERSITY (2010) <<http://www.pvamu.edu/pages/602.asp>>.

⁸⁴⁰ Baum, *supra* note 838.

design of the land-grant school system, he was replaced by John Garland James, a former New Market Confederate Soldier.⁸⁴¹

Following James's leadership, the third Texas A&M President was James Reid Cole, a former CSA Army Colonel for the North Carolina Calvary Regiment.⁸⁴² The fourth president was Hardaway Hunt Dinwiddie, a fellow New Market Confederate Cadet of James.⁸⁴³ The fifth president, Louis Lowry McInnis was only 32 at the time of his tenure as Texas A&M President, therefore, he was too young to be personally active in the CSA.⁸⁴⁴ Following McInnis, William Lorraine Bringham became Texas A&M president, a man who acted as a lieutenant in the CSA's army.⁸⁴⁵ Bringham was succeeded by Lawrence Sullivan Ross, a man who was not only a popular Governor and legendary Texas Ranger, but as well a successful Brigadier General during the Civil War, valiantly fighting on behalf of the CSA.⁸⁴⁶

From Jefferson Davis to Lawrence Sullivan Ross, the highest leadership post of the newly founded Texas A&M College was dictated by the heroes of the losing side from the Civil War. An obvious irony, this esteemed legacy of Confederate dominance over Aggieland sprung from the greatest achievement of the African-American political contingency of the Reconstruction period. From Gathright to Bringham, this Texas experiment in agricultural and mechanical science instruction was largely a failure, barely avoiding closure over the 15 years prior to Governor Ross's decision to become the college president in 1891.

Upon arrival, Ross had less interest in the formal education of the TAMC students and focused on the "military tactics" of these fledgling cadets for the future defense of Texas. Before discussing Ross's important impact on Aggieland, it is helpful to review the general purpose of the land grant institution:

... maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies and including

⁸⁴¹ Daniel Morley McKeithan, *John Garland James*, HANDBOOK OF TEXAS ONLINE (2011) <<http://www.tshaonline.org/handbook/online/articles/fja18>>. During the Civil War Battle of New Market on May 15, 1864, the Corps of Cadets of the Virginia Military Institute fought as a single unit on the behalf of the CSA. Two of the future Texas A&M presidents were New Market soldiers, fighting as college students for the Confederate cause. *See The Battle of New Market, May 15, 1864*, VMI ARCHIVES (2011) <<http://www.vmi.edu/archives.aspx?id=3911>>.

⁸⁴² Aragorn Storm Miller, *James Reid Cole*, HANDBOOK OF TEXAS ONLINE (2011) <<http://www.tshaonline.org/handbook/online/articles/fcole>>.

⁸⁴³ *The Battle of New Market*, supra note 841.

⁸⁴⁴ *A Trailblazer: Alumna leads Texas A&M*, VIRGINIA TECH MAGAZINE (Spring 2008) <<http://www.vtmagazine.vt.edu/spring08/feature4.html>>.

⁸⁴⁵ *Presidents of the Agricultural & Mechanical College of Texas*, BRAZOS COUNTY TEXAS GENEALOGY (2011) <<http://www.brazosgenealogy.org/data/ampres.htm>>.

⁸⁴⁶ Judith Ann Benner, *Lawrence Sullivan [Sul] Ross*, HANDBOOK OF TEXAS ONLINE (2011) <<http://www.tshaonline.org/handbook/online/articles/fro81>>.

military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.⁸⁴⁷

As Texas A&M was beginning under the helm of Gathright, the first president's distaste for militarism coupled with his inability to teach agriculture and mechanical arts led to his dismissal by the Board of Directors in 1879.⁸⁴⁸ After the enumerated series of presidents who exhibited varying success at leading the new college, Ross's reputation and stature in Texas allowed him the opportunity to personally create an institution that reflected his values for "liberal and practical education of the industrial classes." Ross focused his leadership on the development of Texas A&M wholly as a flagship military college for the state. Although John G. James began A&M's course as a military college right after Gathright's expulsion, Ross legitimized A&M's course to become a military training institution of a preeminent character.

With Ross as head the college grew under his reputation with new buildings, graduate programs, a football program, and important here, a series of traditions. Both the Muster and Silver Taps traditions found their genesis under Ross's leadership. A few years after Ross's death, Aggie Bonfire had its 1902 jubilant start in downtown Bryan. The event began after Texas A&M beat "Varsity" for the first time, playing the University of Texas as their final game of the season in Austin.⁸⁴⁹ At this time, the college was all male, all military, and every student was required to wear a Confederate gray uniform throughout their academic and military education. While Ross was president of the college, the campus for the first time had to turn away prospective students as the popularity of the college outstripped its housing and instructional capacity with 400 enrolled students.⁸⁵⁰

D.3.1.1.1. Subordination to *The University*

In spite of such grand improvements, after Ross died in 1898 Texas A&M was once again vulnerable to closing due to the State's priority on improving the stature of the University of

⁸⁴⁷ 7 U.S.C. §304.

⁸⁴⁸ Molly Kate McCaughey & Nancy Beck Young, *Thomas S. Gathright*, HANDBOOK OF TEXAS ONLINE (2011) <<http://www.tshaonline.org/handbook/online/articles/fga45>>. See also JOSH SMITH (Director), AGGIES: THE TRUE STORY OF TEXAS A&M (Northstar Interactive Media 2009). Between minutes 00:09:30 and 00:11:00, there is an illustrative discussion of Gathright's push for a classically based educational bias rather than attempting a scientific course structure.

⁸⁴⁹ *All-Time Football Score: Texas, Texas A&M Football History*, TEXAS A&M ATHLETICS (2011) <http://www.aggieathletics.com/ViewArticle.dbml?&SPSID=632660&SPID=93232&DB_LANG=C&DB_OEM_ID=27300&ATCLID=205238864>.

⁸⁵⁰ SMITH, *supra* note 848 at mins. 00:17:00 - 00:18:00.

Texas. Since 1858, the State of Texas has embarked on creating a grand liberal college for the public in Austin, but not until 1883 did the state eventually find the funding and motivation to open the institution of higher education. Even under the new 1876 Constitution for the State of Texas, the federally funded A&M College was prescribed as a subordinate institution to the as of yet unfounded University of Texas. In essence, even before the University of Texas had a single brick laid, its role as the dominant institution was reserved explicitly in front of A&M's place as it concerns funding, reputation and regard.

Although there is no mention of the University of Texas or Texas A&M prior to 1858, historical narratives continually refer to an 1839 Republic of Texas act as the legislative origination for what would finally become the University of Texas in Austin.⁸⁵¹ On January 26, 1839, while Texas was still a young nation on the western frontier, by Act the legislature authorized the President of the Republic to:

appoint a surveyor and have surveyed on and from any vacant lands of this Republic, fifty leagues of land; which is to be set apart and is hereby appropriated for the establishment and endowment of two Colleges and Universities, hereafter to be created.⁸⁵²

Historians commonly refer to Section 12 of an act approved on January 14, 1839 as the telling authority that specifically the University of Texas was predestined for greatness in downtown Austin, whereby the Seat of Government:

[section 1] ... shall be selected at some point between the rivers Trinidad and Colorado, and above the old San Antonio Road... [section 2] ...That the name of said site shall be the city of Austin... [section 12] That the said agent, before the sale of said lots, shall set apart a sufficient number of the most eligible for a Capitol, Arsenal, Magazine, University, Academy, Churches, Common Schools, Hospital, Penitentiary, and for all other necessary public buildings and purposes.⁸⁵³

In review of the record, it is clear that a pair of Universities was envisioned for the public education of Texans, for which fifty leagues of land was to be reserved for such use within the bounds of the Republic. It is also clear that along with all other normal amenities of a national capital city, those planning Austin as the seat of government should reserve prime space for normal centers of urban activity, including churches, hospitals and a downtown university. But without a Longhorn bias in review of the statutes, to link these two acts as an originating

⁸⁵¹ William James Battle, *University Of Texas at Austin*, HANDBOOK OF TEXAS ONLINE (2011) <<http://www.tshaonline.org/handbook/online/articles/ku09>>.

⁸⁵² Hans Peter Mareus Neilsen Gammel, THE LAWS OF TEXAS, 1822-1897 VOLUME 2, BOOK, 1898, UNIVERSITY OF NORTH TEXAS LIBRARIES, 134 - 136 (2011) <<http://texashistory.unt.edu/ark:/67531/metaph6726>>.

⁸⁵³ *Id.* at 161, 165.

legislative fiat for the University of Texas appears to be an overbroad statement of assumed predestined dominance. As the Texas State Historical Association dictates that the “University of Texas originated in 1839”⁸⁵⁴ based on the these two acts is in itself, evidence of the continued contemporary cultural dominance expressed by those who have a strong bias in favor of the original “Varsity” team. Perhaps a self-fulfilling prophecy, the University of Texas was eventually located on a forty-acre plot set aside for an urban university at the time Austin became the State Capital.⁸⁵⁵

Regardless of any potential bias in historic accounting, the Texas Constitution today clearly demarcates the primary status of the University of Texas as it was ratified in 1876. In spite of the fact that Texas A&M University had a location, funding, buildings, a faculty, and students in 1876, a reservation of authoritative hierarchy was bestowed upon the as of yet established University of Texas in Austin. The Constitution reads the following:

[Article VII, section 10] The Legislature shall, as soon as practicable, establish, organize and provide for the maintenance, support and direction of a university of the first class, to be located by a vote of the people of this State, and styled "The University of Texas," for the promotion of literature, and the arts and sciences, including an agricultural and mechanical department.

So as to reiterate the relationship between Varsity and the recently formed Texas A&M College in Brazos County, the Constitution continues:

[Article VII, section 13] The Agricultural and Mechanical College of Texas, established by an act of the Legislature, passed April 17, 1871, located in the county of Brazos, is hereby made, and constituted a branch of the University of Texas...

As required of the Morrill Act, the Constitution outlines the necessity and legislative power to establish an African-American branch of the Texas public college system in Article VII, Section 14. Today, that African-American branch is Prairie View A&M University, a school that opened in 1878, located approximately 50 miles south of the Texas A&M College. Although both were by this time already branches of the “university of the first class,” the University of Texas did not officially open until 1883.

So as to avoid using taxation to fund this fledgling University system, a trust of land holdings, federal bonds, gifts, and educational grants were legislatively established and bolstered in 1839,

⁸⁵⁴ Battle, *supra* note 851.

⁸⁵⁵ *Id.*

1858 and again in 1883.⁸⁵⁶ As it is today called the Permanent University Fund [hereafter “PUF”], the trust is composed mainly of a 3.2 millions acre landholding of West Texas rangeland, most of which was once thought to be a massive cache of commercially useless lands. In May of 1923 this useless land became a wellspring of funding as the first of a series of wells began producing an abundance of oil on the university’s PUF land holdings. Immediately a gush of capital was available to improve the status of the University of Texas. But, as for the agricultural and mechanical branch of the university system, the future and right to such newfound funding was unclear.

The discovery of oil on UT’s public lands in 1923 brought the issue of A&M’s relationship to a head. The issue of whether A&M, as a branch of the university, was entitled to a portion of the oil revenue became worth fighting for. After A&M threatened to go to court, the two boards of regents agreed on a compromise: UT would get two thirds, the Aggies one third, a division that inspired another Aggie joke. Why was A&M’s share just one third? The Aggies got first choice. There is a grain of truth here. A&M, starting from zero and having an uncertain legal position and less political influence than UT, was willing to settle for a minority interest.⁸⁵⁷

Here, it was accepted that in order for Texas A&M to survive as an institution, the College had to submit to the University of Texas’s clear dominance in the state. In 1931, the relationship was established by the Texas Legislature, certifying and reifying the tiered status of the two competing institutions.⁸⁵⁸

D.3.1.1.2. Transitioning from State Subordination to National Militarism

Unlike the University of Texas’s establishment at the heart of the newly built Capital city, Texas A&M was established in geographic isolation, miles away from nearby Bryan, Texas in an era of train travel. On the open Brazos County frontier, for the first decades of the institution’s existence attacks by marauding coyotes, disease and exposure to the elements were serious considerations for students and faculty at TAMC.⁸⁵⁹ In response, administrators embraced the required military training aspect of the Morrill Act and organized the students’ lives around officer training and a strict disciplinary system for order. With the string of former CSA officers and Virginia Military Institute [hereafter “VMI”] graduates acting as Presidents of TAMC from 1879 until 1898, this garrison organization of the college was a natural method of instruction,

⁸⁵⁶ Vivian Elizabeth Smyrl, *Permanent University Fund*, HANDBOOK OF TEXAS ONLINE (2011) <<http://www.tshaonline.org/handbook/online/articles/khp02>>.

⁸⁵⁷ Burka’s *New Aggies*, *supra* note 813, at 108.

⁸⁵⁸ Smyrl, *supra* note 856.

⁸⁵⁹ SMITH, *supra* note 848 at mins. 00:07:45 - 00:08:55.

self-reliance and order.⁸⁶⁰ Also, this bound the student cadets together as they lived on an open range that enabled an “us versus the world” mentality. Further, as the University of Texas grew in size, stature and proportion of public funding, advanced military training became a unique and fulfilling reason for existence binding and motivating the inferior TAMC community.⁸⁶¹

Historians have noted that these conditions created an entire student body that performed as a “military organization devoted to preservation of the Southern Way of Life.”⁸⁶² Here, this devotion to Texas’s Southern legacy is not the minority aspect of TAMC at issue, as the dominant University of Texas also exhibited an overwhelming motivation to celebrate the heroes of the CSA.⁸⁶³ Unique to TAMC is the strict adherence to military order coupled with an administrative charge to educate members of the non-African-American general population regardless of their economic or social stature.⁸⁶⁴

After President Ross died in 1898, the legacy of militarism and popular education only grew as the young land-grant institution clamored to stay open. After years on the brink of closure, reaching a low point when the school lost all funding in 1910, the camaraderie and militaristic loyalty compelled a successful former student to literally underwrite new construction on the school’s campus.⁸⁶⁵ Then in 1916, that Spartan-esque loyalty transitioned its focus from a nostalgic South to a new and real existential threat: the First World War [hereafter “WWI”].

In 1916, TAMC’s Reserve Officers’ Training Corps [hereafter “ROTC”] was initiated as then President William Bennett Bizzell offered up and employed the whole college grounds for army training.⁸⁶⁶ Indicative of the psychological shift from a nostalgic Southern allegiance to a newfound American patriotism, the TAMC “Confederate” gray cadet uniform was retired as the U.S. Army’s khaki and olive wardrobe detail became mandatory.⁸⁶⁷ Once the United States

⁸⁶⁰ *Id.* at mins. 00:07:45 - 00:08:55; also, 00:12:00 - 00:14:20.

⁸⁶¹ *Id.* at mins. 00:15:10 - 00:16:00.

⁸⁶² Smith, *supra* note 122, at 185. In Smith’s article, he quotes HENRY C. DETHLOFF, A CENTENNIAL HISTORY OF TEXAS A&M UNIVERSITY, 2 VOLS (Texas A&M University Press 1975).

⁸⁶³ Ralph K.M. Haurwitz, *Committee to Advise UT Leader on Statues*, AUSTIN AMERICAN-STATESMAN, A01 (Dec. 27, 2006). According to the article, “UT’s statues and fountain inscription make it arguably the most Confederate campus in the South.” Further, UT has a long lineage of Confederate sympathy in its former administration and faculty, a difficult attribute shared with its rival at Texas A&M University.

⁸⁶⁴ Smith, *supra* note 122, at 184.

⁸⁶⁵ SMITH, *supra* note 848 at mins. 00:19:05 - 00:20:00. Edward B. Cushing revived the status of Texas A&M College by underwriting the construction of a new Academic Building and convincing the growing railroad industry of the importance of the instruction in Aggieland. Ironical in this narrative is that a major contribution to the PUF is made up of accumulated contributions required from railroad installation and easements across the State of Texas.

⁸⁶⁶ *Id.* at min. 00:20:45.

⁸⁶⁷ *Id.* at min. 00:23:10.

entered WWI, the 1917 senior class enlisted en masse to fight overseas.⁸⁶⁸ As nearly every graduating senior was already in army training at the time of their graduation, President Bizzell held the 1917 graduation near San Antonio, Texas, onsite at the U.S. Army Training facility.⁸⁶⁹

At this point the TAMC as an institution transitioned away from the southern military college vision established by the college's early leadership. In transition, the Morrill Act's dictation of mastering the mechanical arts coupled with military training provided a new course of "instrumental rationality"⁸⁷⁰ in furtherance of national defense, realigning the TAMC with a greater federal identity of purpose and loyalty. For decades this legacy has been recognized by statute as Texas A&M University is one of only six Senior Military Colleges in the United States.⁸⁷¹ Senior Military Colleges enjoy a special relationship with the U.S. Department of Defense, and in addition to the military academies, offers university students an opportunity to streamline officer commissioning in military service.⁸⁷²

Built in isolation by the fiat of a Reconstruction-era government, administered in its infancy by former Confederate sympathizers, and finding a lasting purpose in the defense of the nation against foreign threat; Texas A&M enjoys a rich and multifaceted history that reiterates through history its paradoxical, schizophrenic, or just plain crazy dignification. As Dr. Robert Gates, the former CIA Director, past Texas A&M University President and recently retired U.S. Secretary of Defense has stated many times: "Texas A&M is a unique American institution."⁸⁷³ These circumstances give empirical reason to the common phrase spoken at sacred Aggie ceremonies:

From the outside looking in, you can't understand it. From the inside looking out, you can't explain it.

D.3.1.1.3. Tradition as Binding Agent in Spite of Rationalization

*Because of our traditions, we've kept our balance for many, many years. Here in Anatevka we have traditions for everything... how to eat, how to sleep, even, how to wear clothes. For instance, we always keep our heads covered and always wear a little prayer shawl... This shows our constant devotion to God. You may ask, how did this tradition start? I'll tell you... I don't know. But it's a tradition! Because of our traditions, everyone knows who he is and what God expects him to do.*⁸⁷⁴

⁸⁶⁸ Matthew L. Chapa & Gerald Smith, *Texas A&M: The Military College of Texas*, LEATHERNECK: MAGAZINE OF THE MARINES (2010).

⁸⁶⁹ SMITH, *supra* note 848 at mins. 00:23:05 - 00:23:30.

⁸⁷⁰ Smith, *supra* note 122, at 185.

⁸⁷¹ 10 U.S.C. §2111(a).

⁸⁷² *Id.*

⁸⁷³ SMITH, *supra* note 848 at min. 01:17:10.

⁸⁷⁴ Sheldon Harnick, *Tradition*, FIDDLER ON THE ROOF (1964).

The Agricultural and Mechanical College of Texas has from the outset been faced with an ever-impending stroke of complete disenfranchisement⁸⁷⁵ from the day it opened its doors in 1876 until it was granted top-tier status alongside the University of Texas as a primary PUF recipient in 1984.⁸⁷⁶ In this 118 year course of fatalistic development, Texas A&M faced a complete shutter of its operations no less than eight times before the end of the Second World War [hereafter “WWII”].⁸⁷⁷ After WWII, although Texas A&M was no longer under an immediate threat of closure, its unique culture was threatened by major efforts to rationalize the campus community so as to bolster attendance and advance the scientific imperative of the land-grant institution. Therefore, as before WWII the campus faced external threats of closure and irrelevance; after WWII, the source of communal stress flipped sides, emanating from inside as the campus struggled with intense internal threats of self-destruction as the Aggie culture was wholly remodeled for contemporary conditions. In spite of such conditions, the community found methods to not only avoid disenfranchisement, but surprisingly, increase social cohesion even as the campus reflected new and fundamentally objectionable values to its members.

As Aggies experienced these extreme pressures on their collective population, it has been asserted that the traditions accumulated over the life of the college became a binding agent for the Texas A&M community in the impoverished wake of rationalization.⁸⁷⁸ This concept was highlighted in the Interim Report published by the Institutional Culture Task Force in 2001:

⁸⁷⁵ It is widely recalled that the students at Texas A&M were given the moniker “Fighting Aggies” due to their constant proximity to the brink of defeat or institutional closure. Writing on the subject, the Traditions Council speaks of the first instance when the Aggies were dignified as “fighting”:

A&M is known all over the nation as the Fighting Texas Aggies, but where exactly did we get this name? Although this is just a rumor, the story is told that when Lawrence Sullivan Ross became President of the Agricultural and Mechanical College, it was under the threat of being shut down. Lucky, Governor Ross would not have this and he went down to the Legislature and fought to keep his school open. He got so angry that he punched a senator over the issue. From then on, we have been known as the “Fighting Farmers” that later became the “Fighting Aggies.”

Traditions Trivia, STUDENT GOVERNMENT ASSOCIATION (2011) <<http://traditions.tamu.edu/node/15>>.

⁸⁷⁶ Smyrl, *supra* note 856.

⁸⁷⁷ These eight occurrences include: (1) the first day of TAMC’s opening in September 1876, due to the low numbers of registered students, opening was delayed for a full month to October so as to insure enough students attended to manifest the college’s purpose to actually teach; (2) 1879, Firing of President Gathright & entire faculty; (3) 1883, after the opening of University of Texas, funding was siphoned to near nonexistence for Texas A&M; (4) 1889, Texas A&M was seriously considered for repurposing as a lunatic asylum; (5) 1910, after major fires destroyed the Mess Hall and Old Main, the state withheld funds for the college in the believe closing Texas A&M was a better avenue than rebuilding its infrastructure; (6) 1917, Texas A&M campus is completely repurposed as an U.S. Army Training Facility as the senior class enlists, en masse, for WWI; (7) 1923, oil is discovered on University of Texas/Texas A&M public lands, threatening the funding allocation for Texas A&M in favor of the University of Texas; (8) 1943, once the United States enters WWII, all able bodied student cadets are dispatched to fight as the Texas A&M campus is once again converted into a military training facility for the war. These relative episodes of threatened total disenfranchisement have been compiled from the film SMITH, *supra* note 848; and Burka’s *New Aggies*, *supra* note 813.

⁸⁷⁸ Smith, *supra* note 122, at 186.

Social groups undergoing stressful change that threatens the group with disintegration often produce more symbols, traditions, and rituals than do more stable groups. This is because the symbols, traditions, and rituals provide common ideas, identities, and experiences that increase group cohesion and forestall disintegration.⁸⁷⁹

At Texas A&M, there is a tradition of traditions, whereby the social mechanisms of communal organization, fun and order are a basic part of the fabric of the Aggie experience, not unlike the fictional community celebrated in the *Fiddler on the Roof* song quoted at the start of this section. At the university today, there is a sitting committee that keeps an official record of Aggie Traditions, titled aptly the “Traditions Council.” According to the Traditions Council, there are fourteen distinct traditions that are worthy of publication and explanation to the general public. These include in the order listed by the Traditions Council: 12th Man, Midnight Yell, Gig 'Em, Howdy, Bonfire, Reveille [mascot], Silver Taps, Replant, Corps of Cadets, Aggie Ring, Muster, Big Event, Fish Camp, T-Camp.

As a former student reviewing this list, it would be assumed these are listed in a populist manner, whereby the greatest number of people have experienced the 12th Man tradition and the least number have attended the T-Camp tradition. To list them per their date of origination, the list has the following order: Corps of Cadets (1879), Muster (1883), Aggie Ring (1889), Silver Taps (1898), Bonfire (1909), 12th Man (1922), Gig'em (1930), Reveille [mascot] (1931), Midnight Yell Practice (1931), Fish Camp (1954), Big Event (1982), T-Camp (1987), and Replant (1991).⁸⁸⁰ Referring back to dates of near closure for Texas A&M listed in *Note 67*, the dates of tradition origination and the dates of the college's brink of closure have a relatively close correlation, giving persuasive evidence that the community's rituals were related to forestalling impending disintegration.⁸⁸¹ Reiterating the adage that there is “nothing better than a common enemy to forge a common identity,” the trials presented by the Texas legislature, and later foreign aggressors abroad created a rare depth of cohesion in the Aggies. This cohesion has its

⁸⁷⁹ Institutional Culture Task Force Interim Report, *supra* note 818, at 5.

⁸⁸⁰ Howdy is left out as its date of origination is not known.

⁸⁸¹ See note 67 for list of near-closures of Texas A&M College from 1876 until 1984. Pairing (pairs are in bold) those dates of tradition origination and each adjacent brink-event of college closure give the following results: Closure Event [hereafter “CE”] 1: September 1876, low student attendance; **CE 2: 1879 Firing of President Gathright & Faculty / Tradition Origination [hereafter “TO”] 1: Corps of Cadets (1879); CE 3: 1883 Opening of University of Texas/ TO 2: Muster (1883); CE 4: 1889 Repurpose as Lunatic Asylum/TO 3: Aggie Ring (1889); TO 4: Silver Taps (1898); TO 5: Bonfire (1909)/CE 5: 1910 Funds withheld for rebuilding infrastructure after fires; CE 6: 1917 Campus repurposed for military training for WWI; TO 6: 12th Man (1922)/CE 7: 1923 Oil is discovered on University System's Public Lands; TO 7: Gig'em (1930), TO 8: Reveille [mascot] (1931); TO 9: Midnight Yell Practice (1931); CE 8: 1943 Campus repurposed for military training for WWII; TO 10: Fish Camp (1954); TO 11: Big Event (1982); TO 12: T-Camp (1987); TO 13: Replant (1991). It is also important to note that many of these major traditions originated during the Depression, a time when external stresses were perhaps greatest upon the students at Texas A&M without taking the college to the brink of closure.**

expression in the celebrations and sacred beliefs illuminated by the traditions accumulated over more than a century.

D.3.1.1.4. Bonfire as a Sacred Totemic Emblem of the Texas Aggie

Many of the traditions quoted above were formed, or at least prove most useful as a method to solidify a common identity for Aggies against outside forces of disenfranchisement. For instance, an annual meeting required of each member known as Muster, or a collective funerary procedure for current students and their families known as Silver Taps, or better yet, a mark on each member's body for identification in the greater public called the Aggie Ring all provide common elements of identity at times of self-defined ritual. These rituals and artifacts encourage solidarity among community members as symbols and practices of difference from the outside world, but are limited in their capacity to enfranchise collective membership in the face of internal strife.

In contrast, the Bonfire tradition and its role as a ritual of *effervescence*⁸⁸² provided a fluidity of expression for the Aggie community, allowing this cohesive population to internalize major changes in their own collective identity. Here, in spite of individual objections or misgivings about communal politics, the effervescent capacity of the Bonfire ritual allowed individual cadets to become "volatized," "to be transported to the transcendental social world that was the public will of the community."⁸⁸³

According to Jonathan Smith, the on-campus Aggie Bonfire attained a status of effervescence in the early 1930s, at the time the annual pep-rally bonfire *became* Bonfire.⁸⁸⁴ Although the final yell practice the night before the rival game with the University of Texas was always a major event, the bonfire that began in 1909 to keep spectators warm at the outdoor ritual was simply that, a fire without its own independent cultural meaning.⁸⁸⁵ After WWI, the prestige of the Corps of Cadets grew with the service and valor of current and former students who participated in the war.⁸⁸⁶ Built upon that prestige and after the hardships of the Depression swept over Texas, "camaraderie and student unity at Texas A&M reached the pitch of one great fraternity."⁸⁸⁷ This great fraternity had a final rally the night before the Thanksgiving rival

⁸⁸² Smith, *supra* note 122, at 188.

⁸⁸³ *Id.* at 187 - 189. For such a short article, Smith goes into great detail as to the conversion of the Bonfire's meaning to the Aggie community through the logical mechanism of effervescence.

⁸⁸⁴ *Id.* at 187.

⁸⁸⁵ *Id.* at 186.

⁸⁸⁶ *Id.*

⁸⁸⁷ *Id.* Smith again quotes DETHLOFF, *supra* note 862, at 437.

football game, is where the student body as a whole social group experienced a collective exhilaration, or effervescence. Effervescence occurs when a group, in ritual, affirms its moral unanimity, its members' conformity to "prevailing opinion." Here, Smith persuasively argues that the Aggie community's prevailing opinion is simply to carry a high regard for Texas A&M and to beat the University of Texas in football on Thanksgiving Day.

Continuing his explanation of the transition from a pep-rally, utilitarian bonfire to *the* Bonfire, Smith paraphrases French sociologist Emile Durkheim's observations that:

while in this [effervescent] ecstatic state, group members will commonly superimpose their collective enthusiasm on a convenient "concrete object whose reality is vividly striking," and this "totemic emblem" will thereafter appear to them no less sacred than the experience of effervescence itself. Clearly something like this happened in the 1930s, when the effervescence of the Big Yell Practice was superimposed on the indisputably vivid Bonfire...⁸⁸⁸

Due to this social transference of collective importance from the event to the object itself, by 1943 Aggie Bonfire was the greatest event of the fall season, even rivaling the importance of the game on the following day.⁸⁸⁹ Further, the symbolism and social authority of the Bonfire grew as it became a test for freshman to prove their rightful place in the Aggie family.⁸⁹⁰ Under the leadership of upperclassmen, the construction of this "totemic emblem" literally rested on their shoulders.⁸⁹¹

The ritual of building Bonfire and watching it burn reinforced and ratified this sense of belonging, and yielded the meaningful place called Aggieland, even as it compensated for (and perhaps obscured) the degree to which the instrumental rationality taught at Texas A&M sowed the seeds of alienation.⁸⁹²

D.3.1.1.5. Bonfire as Antidote to Threatened Disintegration of the Texas Aggie

With the external pressure of the Depression creating a constant stress upon the Aggie community through the 1930's, a unique collective moral imagination emerged in Aggieland. With this novel internally defined morality, a hierarchy of status emerged to govern tight communal bonds just prior to the start of WWII. Once the United States entered the war, the all-

⁸⁸⁸ *Id.* at 188.

⁸⁸⁹ *Id.*

⁸⁹⁰ *Id.* at 188 - 189.

⁸⁹¹ *Id.* at 188.

⁸⁹² *Id.* at 189.

male regimented student body volunteered together for wartime service on March 23, 1943.⁸⁹³ From this date until the end of the war, the Texas A&M campus was once again converted into a U.S. military training facility as it had been previously for WWI.⁸⁹⁴

After WWII, Texas A&M returned to its educational purpose. Many veterans came back to the campus for college matriculation but overwhelmingly rejected the tradition of officer training after having already practiced real officer duties in battle.⁸⁹⁵ Until 1950, the non-regimented veterans even outnumbered the Corps of Cadet membership, threatening the pre-war hierarchy still important to the non-veteran student body.⁸⁹⁶ In reaction, strict military discipline and hazing grew in the ranks of the Corps so as to differentiate the regimented from non-regimented social membership.⁸⁹⁷ In following this trend, the Bonfire itself began to dramatically increase in height and now involved the labor of all regimented cadets.⁸⁹⁸

This brief period when the non-regimented students outnumbered the Corps membership was only a beginning to the drastic changes that would face Aggieland in coming years. Although the University temporarily attempted to make Corps membership optional (from 1954 until 1959), outright hostility between the Corps and the civilian student body forced University leadership to relent and again require all students to be regimented.⁸⁹⁹ Then in 1959, James Earl Rudder was elected President of the College, and over the course of his leadership the Agricultural & Mechanical College of Texas became what now can be recognized as Texas A&M University.⁹⁰⁰

Rudder was a celebrated WWII war hero, a former football coach, an administrator that had proven his integrity at the State of Texas General Land Office, and perhaps most important to his role at the Texas A&M, was a highly respected former student who graduated in 1932. Inheriting a highly distressed environment, the college was in serious trouble culturally, academically, and on the brink of institutional irrelevance. Over the next decade, Rudder wholly modernized the campus for contemporary university conditions, turning the tide of diminishing enrollment, academic performance, and the overall value of the school in terms of the needs of the State of Texas. As history would have it, Rudder by sheer will racially integrated the university (1964), successfully executed a policy of non-compulsory enlistment in the Corps of Cadets for all

⁸⁹³ SMITH, *supra* note 848 at mins. 00:28:00 - 00:28:30. The film recalls that in 1942, every able-bodied, of age student was already fighting in WWII.

⁸⁹⁴ *Id.* at min. 00:29:30.

⁸⁹⁵ Smith, *supra* note 122, at 190.

⁸⁹⁶ *Id.*

⁸⁹⁷ *Id.*

⁸⁹⁸ *Id.*

⁸⁹⁹ Burka's *New Aggies*, *supra* note 813, at 108.

⁹⁰⁰ During President Rudder's tenure, the name of the institution was literally changed from Texas A&M College to Texas A&M University in 1963.

students (1965), and provided a roadmap for the full admittance of women interested in being students at Aggieland (1971). Reflecting the general popularity of Rudder's contemporization of the campus, over this roughly 10-year period the student body doubled from 7,500 to 15,000.⁹⁰¹ Perhaps more telling of the course set by General Rudder, after his death, enrollment continued to dramatically grow as today the campus is the one of the largest in the nation with approximately 50,000 students.⁹⁰²

Rudder's administration literally decoupled the unique military-based hierarchy of student power from the university's operations as an academic institution with aggressive top-down changes, changes considered wholly impossible just a few years earlier in 1959. Symbolically continuing the masculinity embedded in the historic identity of Ol' Army, an image of the Aggie member assumed to have produced WWI and WWII heroes, students continued to express their obsession with the traditional values of the campus with the on-campus Bonfire. As Rudder effectively executed the liberal agenda necessary for the survival of the university, the Bonfire tradition increasingly became a venue to reconnect group members to the sacred collective symbolism of the community. During this time, the Aggie Bonfire grew from a five-story (50') structure in 1949 to a world-record holding *eleven-story* (109') structure in 1969.

After 1969, the university administration put height and radial limitations on the Aggie Bonfire. In reaction, students simply spent more time on the "Cut" process of Bonfire, harvesting an excessive number of logs over a greater time period to create a wide, four-tier bonfire. In 1949, when the Aggie Bonfire was five-stories high, it is estimated that roughly 3,200 logs weighing approximately 1,200,000 pounds were used. As the Bonfire grew taller, it is estimated that even less logs were used, but the ones that were used were assembled for maximum height so as to heighten the drama of the effervescent event. For the 1970 Bonfire, it is estimated that roughly 3,000 logs weighing approximately 1,125,000 pounds were used. After 1970, the magnitude of the logs and volume of the Aggie Bonfire continued to grow to a monstrous girth. When Aggie Bonfire fell in 1999, it was estimated that 6,545 logs were already assembled on the Polo Fields, weighing approximately 2,455,000 pounds. The 1999 Bonfire was right on track to match the size and weight of the 1998 Aggie Bonfire which employed roughly 8,000 logs weighing approximately 3 million pounds.

The identity, the culture and the collective experience was changing rapidly for the Texas Aggie. At perhaps the very breaking point between the historic Ol' Army form of Aggie culture and the

⁹⁰¹ SMITH, *supra* note 848.

⁹⁰² Cindy Dutschke, *Enrollment Profile: Fall 2011*, OFFICE OF INSTITUTIONAL STUDIES AND PLANNING (2012).

new Rudder-redefined university form, the Aggie collective expressed their most “masculine” form of the annual totemic exercise: a Bonfire taller and more ominous than any building on campus.⁹⁰³ In fact, the entire Texas Aggie community *including* the faculty and administration continued to endorse the on-campus Aggie Bonfire because it maintained the appearance of a continued commitment to tradition.⁹⁰⁴

As changes were dictated on campus so as to improve the status, conditions and the academic commitment to research excellence, the Aggie Bonfire sustained as a living symbol that the university had not over time lost its traditional values and commitment to history.⁹⁰⁵

Unfortunately, the power of this symbol could not forever obscure the fact that the traditional practices that programmed the lifestyle of a pre-WWII cadet were no longer mandatory, and for the most part, were not practiced by the majority of post-WWII Aggie students. Without the collective solidarity of the Aggie community in the traditional practices and lifestyle that elevated the Bonfire to an effervescent state in the mid-1930s, the Bonfire itself became an *unreasonable* attribute in the now-rationalized university environment.⁹⁰⁶ After 1969, as the student body and faculty evacuated its traditional foundation for a contemporary course of academic excellence, Aggie Bonfire no longer continued to succeed as a collective antidote in the ultimate disintegration of the traditional identity of the Texas Aggie. Rather, the Bonfire itself emerged as a latent object of impending catastrophe.

D.3.1.1.6. From Antidote to Tragedy: The Disintegration and Exile of the Texas Aggie Bonfire

The only indispensable material factor in the generation of power is the living together of people. Only where men live so close together that the potentialities of action are always present can power remain with them, and the foundation of cities, which as city-states have remained paradigmatic for all Western political organization, is therefore indeed the most important material prerequisite for power.⁹⁰⁷

⁹⁰³ Two buildings taller than eleven stories on-campus today include the Rudder Tower located in the Memorial Student Center Complex and the O&M Building, a building that overlooks the Polo Fields where the 1999 Bonfire Tragedy occurred. Neither of these buildings were complete in 1969; the Rudder Tower was completed in 1974 and the O&M Building was completed in 1972.

⁹⁰⁴ Henry Petroski, *Vanities of the Bonfire*, 88 AMERICAN SCIENTIST 6, 490 (Nov.-Dec. 2000). Here, Petroski states “Apparently the long-standing overall success of Bonfire, in which the overwhelming majority of the extended Texas A&M community took great pride, had made all the participants overconfident and suppressed the legitimate concerns of a few naysayers.”

⁹⁰⁵ Smith, *supra* note 122, at 193.

⁹⁰⁶ *Id.* See also Petroski, *supra* note 904, at 490. The author here discusses how this traditional practice had in the decades prior to collapse, become a completely ad hoc, *laissez-faire* execution of complex construction with no oversight, meaningful structural analysis or appropriate application of traditional building knowledge in design.

⁹⁰⁷ HANNAH ARENDT, THE HUMAN CONDITION (1958).

As an alternative, it could be argued that the traditional foundation of Aggieland was not abandoned in favor of contemporary rationalization, but instead, the most critical condition of that foundation eroded as the campus grew beyond any imagined student capacity. Jonathan Smith points to the 1930s as the time when the Aggie Bonfire became of its own right, an act of effervescence. In the mid-1930s, an influential Campus Architect, C.P. Vosper, left his position just as 14 new dormitories began construction on the south side of campus.⁹⁰⁸ Today, twelve of these dormitories make up the official housing cluster for the Corps of Cadets called the Quadrangle, or “Quad” for short.⁹⁰⁹ By 1939, this unique urban-architectural cluster was complete and, coincidentally, the Aggie Bonfire became an enterprise of mythic proportions.

Almost immediately after a period of exceptional high quality architecture and urbanism was produced from the Campus Architect, the Office of Architecture was largely denuded of its controlling power over the built environment. In the post-WWII era of campus development, most major and significant projects were outsourced to off-site design firms. Also, it was found “that the vocabulary of the buildings had begun to become more isolated from one structure to the next, even those built within the same time period.”⁹¹⁰ At the end of this post-WWII era, the physical campus as a total urban form transitioned from its strong, traditionally clustered and quad-based paradigm, to a linguistically inconsistent, sprawling campus built on a suburban paradigm of growth.⁹¹¹

Without the oversight of a Campus Architect, the buildings constructed from 1963 to 2003 became program-driven with odd footprints and a paramount concern for access points to surface parking on campus. This decentralized, anti-urban method of architectural execution has been clearly shown to contribute to the degradation of the campus environment. More appalling than the cacophony of building forms is the monumental dedication of finite campus urban resources to surface parking spaces. In 2004 when the Campus Master Plan was completed, there were over 33,000 parking spaces on campus commanding over 159 acres of the campus footprint.⁹¹²

These parking spaces bring to light a major issue for the contemporary campus after General Rudder’s changes: the transition of the college from its traditional status whereby most students lived on-campus, to its contemporary status as a commuter college. Jonathan Smith points out

⁹⁰⁸ Campus Master Plan, TEXAS A&M UNIVERSITY, 26 (July 2004).

⁹⁰⁹ *Id.*

⁹¹⁰ *Id.* at 26 - 27.

⁹¹¹ *Id.* at 28.

⁹¹² *Id.* at 29.

that the demographics of the students changed in the period from 1970-1999, as “many students now came from suburbs, rather than from small towns, ranches, and farms.”⁹¹³ Impacting the campus’s traditional foundation, these students moved from their hometown suburbs to the local suburbs in College Station and Bryan. This sprawling model of campus suburbanization is today not only a problem at Texas A&M, “but with few exceptions, [an issue] at virtually every major university in the United States.”⁹¹⁴

In this period from 1970 until 1999, noted as a period of disintegration for the Aggie Bonfire, the university supported a student body that grew from roughly 15,000 students to 43,442. During this period, the Corps of Cadets maintained its hold over the Quad, but many years had a difficult time filling the 2,000 beds reserved for its regimented membership.⁹¹⁵ Further, the university never offered more than 10,000 on-campus beds for student housing.⁹¹⁶ After 1986, the university ceased to even build dormitories, apartments, or any other forms of residential accommodations for on-campus living.⁹¹⁷ Essentially giving up, this 20-year period is defined by the administration’s acceptance of the emergent suburban model of research and instruction, neglecting to continue the traditional notion of mixed-use campus life and community that enabled the collective experience cherished by the Texas Aggies through its institutional history.

Not only as all residential growth accommodated off-campus, but in addition, many dormitories were either razed or converted to administrative offices. Milner Hall was converted into an office complex for the Math Department in 1976 - 1977.⁹¹⁸ Henderson Hall, an athletic dorm, was converted for use by the Texas Engineering Extension Service in 1974.⁹¹⁹ Godwin Hall (1908-1990), Mitchell Hall (1912-1972), Guion Hall (1918-1971), Law Hall (1928 – 1997), and Puryear Hall (1928-1997) were all razed between 1968 and 1999.⁹²⁰ Especially impactful on the culture of the 1990’s Bonfire tradition was the loss of the Law-Puryear Halls.

Acknowledging these massive urban changes, the greatest sin of rationalization against the traditional foundation at Texas A&M was spatial. In direct refutation of Jonathan Smith’s notion

⁹¹³ Smith, *supra* note 122, at 193.

⁹¹⁴ Campus Master Plan, *supra* note 908, at 28.

⁹¹⁵ Student Housing Study, TEXAS A&M UNIVERSITY, 1 (Feb. 2010).

⁹¹⁶ *Id.*

⁹¹⁷ Luz Moreno-Lozano, *Residence Life opens The Gardens at University*, THE BATTALION (Sept. 20, 2010). The first new housing developments on campus were opened in September 2010. A new major renovation project is now underway at the Crocker-Moore-McInnis Dormitory complex, slated for completion in the year 2013.

⁹¹⁸ Jerry Cooper, *Chronology of Texas A&M and The Association of Former Students, Years 1862-1914 (Page 1 of 7)*, THE ASSOCIATION OF FORMER STUDENTS (2011) <<http://www.aggienetwork.com/theassociation/chronology.aspx>>.

⁹¹⁹ *Id.* at *Years 1943-1965 (Page 3 of 7)*.

⁹²⁰ *Id.* at *Years 1862-1965 (Pages 1-3 of 7)*.

that academic rationalization would lead to a cultural unreasonableness as to the paradox of a contemporary Aggie Bonfire, there is remarkable evidence that contemporary students embraced, even celebrated the strange Aggie-specific bedfellows of instrumental rationality and the timeless traditions at Aggieland. A strong case in point of this rational acceptance of the irrational is the fact that Lechner Hall residents, home to the brightest academic-scholarship-only students at Texas A&M, have historically and continue to be heavily involved in the Bonfire tradition both on- and off-campus.

After Rudder was successful in opening the Aggie family to African-Americans, women and non-regimented students, not only did the Corps of Cadets numbers fall, but the percentage of students living on campus dropped precipitously. Each year the on-campus Aggie Bonfire was now constructed by a range of 2000 – 5000 students, as it was a voluntary activity for all students.⁹²¹ Although most academics and journalists paint the post-1968 volunteers as the “lunatic fringe” of the campus,⁹²² another important factor common to those that sweat, bled, and unfortunately died in furtherance of this still impassioned ritual is that nearly all who participated in the construction of Bonfire were introduced to the tradition as on-campus residents.

Lechner Hall, the dorm for honor-student scholarship recipients mentioned earlier, is a proud coed on-campus facility that lies at the near center of the main (east) campus. Of the twelve students and former students that died in the 1999 Bonfire Tragedy, all had been introduced to and committed to Aggie Bonfire during their time as on-campus residents. The non-regimented victims of the tragedy were from Mosher (Southside), Keathley (Northside), and Fowler (Northside) Halls. The Corps victims of the tragedy represent Company C-2, D-1, D-2, K-2, Squadron 2, 16 and 17, all of whom were from the Southside Corps Quad. Today, those that continue the tradition off-campus are organized by relative dormitory location. These Student Bonfire “Crews” include Dunn Hall (Southside), FHK [Fowler-Hughes-Keathley] Complex (Northside), Hart Hall (Northside), Lechner Hall (Northside), Schuhmacher Hall (Northside), Walton Hall (Northside), and the Off-Campus Hogs, a group that acts as a catch-all group for those not affiliated with the above listed dorms.⁹²³

⁹²¹ Smith, *supra* note 122, at 193.

⁹²² *Id.* Here Smith quotes a BATTALION article regarding the workers on Aggie Bonfire from 1971. Smith is not alone in pointing out the lunacy of many of the volunteers who built Bonfire. In Burka’s *The Aggie Bonfire Tragedy*, *supra* note 819, the author outlines the multitude of profane, dangerous, and extremely inappropriate behaviors that occurred on the ‘Cut’ and ‘Stack’ sites. A memorable quote from this article is “Beer and chainsaws don’t mix.”

⁹²³ *Crews*, STUDENT BONFIRE (2011) <<http://www.studentbonfire.com/crews.html>>.

Considering the conditions of many of the oldest dorms that the most invested pre-1999 (or “Red Ass”) volunteers resided, it does appear to be a lunatic’s venture. First of all, many historically proud Bonfire dorms including Moses, Hotard, Law and Puryear did not have air-conditioning. Moses and Legett *still* do not have air-conditioning, and along with the Corps dormitories in the Quad, have some of the cheapest rents on campus at \$1,666.00 per semester (approximately \$416 per month). The very cheapest on-campus living can be found at Walton and Hart Halls, whereby a bed in the dormitory costs only \$1,446.00 per semester (approximately \$360 per month).⁹²⁴ Walton and Hart Halls are provided with window-unit air conditioners for the small living quarters provided.

Due to the unique layout and limited air-conditioning, residents of these dorms largely keep their windows and doors open so as to utilize the passive comfort controls designed into the buildings themselves. These communal conditions, along with the fact that the Corps effectively persuades its members to be “keepers of the spirit,” provide favorable conditions for recruiting volunteers into strange ritualistic enterprises like Aggie Bonfire. Through the unforgiving hot summer days in south Texas, literally the poorest students live in these dorms so they may continue their education. In doing so, they are indoctrinated into the Aggie family as it was designed in the 1930s as they eat, sleep, play and toil together.

An attribute that many a poor college student enjoys at Texas A&M is that there is always an abundance of free, interesting student-based forms of entertainment embedded in the culture of the place. Regardless of what outsiders may tell you, Aggie Bonfire is entertaining. Midnight Yell Practice promises to participants that with attendance, a random romantic episode from another participant may occur. Texas A&M football games, win or lose, are entertaining as traditional spectacles and of themselves. The Bonfire volunteers in this era of noncompulsory membership are, among other personal reasons, participating because they enjoy the lunacy of building a five-story (or more) structure on volunteered resources and time.⁹²⁵

D.3.1.1.7. The Unintended Marginalization of Institutional Memory

Whether motivated by campus unity, tradition, hedonism, or some sort of sacred connection to the greater collective, these motivations do not diminish the necessity to maintain an appropriate oversight in construction of the project. Aggie Bonfire by traditional design relied heavily on the

⁹²⁴ *Residence Hall Amenities Chart: Fall 2011-Spring 2012 by Name*, Resident Life Department, TEXAS A&M UNIVERSITY (2011) <<http://reslife.tamu.edu/download/housing/amenities/chartName1112.pdf>>.

⁹²⁵ Currently a \$5 membership fee that covers each volunteer for the whole Cut and Burn season. For membership information, see *Cut*, STUDENT BONFIRE (2011) <<http://www.studentbonfire.com/cut.html>>.

strength of its institutional capacity. In other words, conformity by current volunteers to follow traditional knowledge and techniques acquired with experience over decades of practice was integral to the success of construction. In the five years leading up to the 1999 Bonfire Tragedy, two factors seriously eroded the Aggie Bonfire's institutional capacity.

The first of these factors was already discussed: the general loss of on-campus living opportunity, including the demolition of Law and Puryear Halls on Northside.⁹²⁶ The second factor, perhaps more important than most will accept, is the loss of Dr. Larry Grosse. Not unlike the unfocused and unmitigated impacts on the Texas A&M Campus after it lost its esteemed Campus Architect C.P. Vosper in the mid-1930s, the loss of Dr. Grosse was clearly the beginning of the end for the on-campus tradition.

Dr. Grosse, whose academic office was literally across the street from the site of the Aggie Bonfire during his tenure as volunteer faculty advisor, was an architect and expert in construction science safety. For 13 years, Dr. Grosse oversaw and advised the students on the design, construction and safety of the massive structure until 1994 when his duties as Department Head of Construction Science became paramount.⁹²⁷ In 1994, the techniques employed under his advisement avoided the sudden failure of the stack after an exception rainy downpour. Instead of collapsing "like a house of cards," the Bonfire structure simply leaned over to the side. In fact, the internal checks and tying assemblages traditionally maintained for years created a Bonfire that was extremely difficult to take apart, literally requiring massive construction equipment to dismantle in 1994.⁹²⁸

After the 1994 collapse seriously tested the design of the tiered-bonfire form, the destruction and rapid rebuilding of the Bonfire provided great insight as to appropriate safety protocols for the tradition. Thereafter, Grosse and student Bonfire leadership enumerated critical structural techniques, personnel procedures and necessary safety specifications for future execution of the tradition in a "Bonfire Safety Handbook."⁹²⁹ These conditions were in addition to an already developed oral design manual passed down from one team of Redpots (the executive leadership team) to the next each year.⁹³⁰ After Dr. Grosse left for a position at Colorado State University in

⁹²⁶ Law & Puryear Halls were intense Aggie Bonfire dorms on Northside. Students were so incensed that the dorms would be razed rather than updated, the bricks were saved and memorialized. Many of these bricks were used as a false brick wall in the construction of a popular burrito restaurant, Freebird's World Burrito located at the corner of Holleman Drive and Texas Avenue, 2050 Texas Ave, College Station, Texas 77840.

⁹²⁷ Colloff's *Ring of Fire*, *supra* note 829, at 173.

⁹²⁸ Final Report of the Special Commission on the 1999 Texas A&M Bonfire, TEXAS A&M UNIVERSITY, 29 (May 2000).

⁹²⁹ Robert Riggs, *Possible Investigation by the Texas Engineering Board of TAMU Bonfire*, NEWS 8 WFAA-TV, DALLAS-FORT WORTH (November 23, 1999) <<http://www.youtube.com/watch?v=Ro517JhYb4Q>>.

⁹³⁰ Colloff's *Ring of Fire*, *supra* note 829, at 174.

1996, although an advisor overseeing the administration of student clubs was assigned to the organization, no faculty member with technical expertise as to construction, engineering, or architecture was assigned, volunteered or became available to the Aggie Bonfire's leadership in furtherance of its construction purpose.⁹³¹ According to most post-1999 accounts of the institutional culture of the tradition, without the expertise, Aggie legacy and pragmatic attitude of Dr. Grosse, the Aggie Bonfire leadership would not have listened anyway.⁹³²

Although a "Bonfire Safety Handbook" had been created and shared with administrators and student leadership alike, many of the rules and procedures set out in the manual were routinely disregarded by 1999. Telling of such neglect, most of the victims injured in the Bonfire tragedy were freshman and sophomores wiring logs on the stack structure itself.⁹³³ Written safety procedures, as well as traditional procedures for decades, forbade underclassman from scaling the Bonfire structure since they did not have the experience and institutional maturity for such activities. After investigation, other critical methods of insuring the structural integrity of the stack were haphazardly disregarded to insure a longer "Burn" event,⁹³⁴ providing evidence of a misunderstanding of the construction techniques employed for safety⁹³⁵ as well as highlighting incorrect assumptions of design carried out to make up for the poor quality of the building materials available for the 1999 Bonfire.⁹³⁶ Dr. Grosse summarizes the last decades of Aggie Bonfire in this manner:

Most of the redpots were not construction management students and did not understand the requirements of building a structure that was often 85 or 90 feet tall. Throughout the eighties and early nineties, I worked with them to develop

⁹³¹ In the final Bonfire Commission Report, three critical elements necessary for the safe construction of the Aggie Bonfire were the very same that Dr. Grosse reiterated in television and print-news interviews. These three are listed on page 10 of the report, including (1) Maximum Stack Containment, (2) Minimum Internal Stress and (3) Maximum Lateral Cohesion. See Final Report, *supra* note 928, at 10. See also Riggs, *supra* note 929.

⁹³² Burka's *Bonfire Tragedy*, *supra* note 819, at 123. A major and qualified "naysayer" of the wedding-cake tiered Bonfire form was Teddy Hirsch, A&M Class of 1952. Dr. Hirsch is an expert structural engineer who was on the faculty at Texas A&M from 1956 – 1992. Hirsch personally set up a meeting in 1994 to discuss structural safety and the overall design of the Bonfire, but the student leadership, to him, seemed uninterested in his suggestions. Even so, it must be noted that a Bonfire Safety Manual was created after the 1994 collapse, and indirectly, perhaps due to the grave concerns expressed by Dr. Hirsch without his knowledge. As Smith notes regarding groups motivated by traditional knowledge, members find it hard to explain, defend or intentionally modify their habits developed with tradition. See Smith, *supra* note 122, at 186.

⁹³³ *Bonfire builders broke safety rules*, SPORTS ILLUSTRATED (Nov. 24, 1999)

<http://sportsillustrated.cnn.com/football/college/news/1999/11/24/bonfire_safety_ap/>.

⁹³⁴ Bonfire enthusiasts predict that if the center-pole breaks before mid-night, then the Aggies will lose the football game against their rival the next day. After the 1994 Bonfire structural failure, massive steel cables were used in the years following so as to improve stability. But, unfortunate to the enthusiasts, these cables caused the Bonfire to burn much quicker and the center-pole would fail thing an hour of the Bonfire burn. In 1999, the steel cables were *not* wrapped around the bottom tier, effectively causing the collapse after upper-tier construction proceeded beyond a dangerously low threshold of structural capacity. See Petroski, *supra* note 904, at 488.

⁹³⁵ Here, efforts to wedge logs for increased internal structural integrity actually created the opposite effect, exasperating an already troubling condition with increased stress until it burst. See *id.*

⁹³⁶ In past years, it was found that greater uniformity in the logs harvested allowed for a tighter compaction of the structure for increased structural integrity. 1999's Bonfire went forward with crooked logs that were difficult to align, reinforce and appropriately stack safely. See *id.*

improvements that would strengthen the design, like interlocking the logs on different tiers and cinching up stack with a cable. From what I understand, those practices fell by the wayside not long after I left A&M. Students who didn't understand their significance simply stopped doing them. By '99 the only thing holding those logs up was baling wire.⁹³⁷

In the final years of the Aggie Bonfire ritual, the tradition had developed into a separation of the mind from the body, devolving into an almost tradition-less and *ad hoc* practice as it concerns crucial structural details. With the loss of Dr. Grosse and many of the legacy foundation organizations, i.e. the older dorms that encouraged *by design* a high rate of collective volunteership, the institutional memory critical to any traditional practice was disintegrated beyond the threshold necessary to continue the practice safely. Since the late 1960s, the campus undertook fundamental changes in the population, urban structure, and execution of university operations. With exponential student population increases, campus decentralization and the marginalization of the on-campus urban experience, that unique and sacred antidote to university rationalization ended in tragedy.

D.3.1.1.8. The 1999 Bonfire Tragedy and Aggieland's Abrupt Entry into the Risk Society

The final sentence of the Bonfire Commission's Final Report of 2000 reads:

Though its individual components are complex, the central message is clear. The collapse was about physical failures driven by organizational failures, the origins of which span decades of administrations, faculty, and students. No single factor caused the collapse, just as no single change will ensure that a tragedy like this never happens again.⁹³⁸

As today we live in a time after the 2001 World Trade Center attacks, it is important to remember that this tragedy occurred in 1999 at the height of American global dominance. More important in understanding the tragedy, Texas A&M was seemingly invincible in the historical approach to 1999. Texas A&M had reached national top-tiered status according to the U.S. News & World Report in 1996. The Aggie football team won the Big 12 Championship in 1998. The university had reached a student population of roughly 43,000, and now had a Presidential Library to boast its impressive standing. The first female Student Body President had been elected in 1994, and a second one was already sitting in 1998. The faculty, students, status and meaning of Texas A&M as a *University* was finally a reality after 40 years of substantial campus-wide change. The already optimistic population in Aggieland, carried forward in the general ethereal optimism of the United States in this period, would roundly assume that everything would turn out right

⁹³⁷ Colloff's *Ring of Fire*, *supra* note 829, at 174.

⁹³⁸ Final Report, *supra* note 928, at 36.

regardless of the signs and facts that state otherwise. Just as it was impossible to believe that terrorists could successfully attack the World Trade Center in 2001, the Aggies could not believe that their most sacred tradition would structurally fail and kill a dozen volunteers in 1999. These types of tragedies were not generally in the psychological breadth of expectations for Americans in August of 2001, or in this case, Aggie students in October of 1999.

In this luxury of cultural dominance, the “mistakes, failures and consequences of modernization” continue uncorrected until *systemic* failure. After failure, an awareness of the uncontrollable forces released by modern development is apparent, spreading a general sense of insecurity and consciousness of the unintended consequences of progress. Conceptualized as the Risk Society, after failure there is collective knowledge that today “culture and nature are inextricably linked in unpredictable ways through feedback.” More telling of the 1999 Bonfire Tragedy, members of the Risk Society must live after nature and after tradition:

Nature is no longer independent from the economy and scientific manipulation, and tradition can no longer cope with the way individuals live in a deregulated, global society. The results of these two shifts they [Sociologists Ulrich Beck and Anthony Giddens] call “reflexive modernization” because the new society has to reflect back on a first modernization, and its unpredictable consequences.⁹³⁹

In essence, although the Aggies have only themselves to blame, this self-inflicted tragedy is a scalable one to national, and even an international scope. This systemic problem is faced now in all contemporary economies as globalization moves forward without its agents’ full knowledge of the consequences. Today, designers must make adjustments to these consequences in practice, committing to a reiterative process of modernization, failure, reflexive modernization, and then again. As today the Aggie Bonfire has been banned from campus, this volunteer-based collective of enthusiasts have been forced to practice their own expression of reflexive modernization in exile. Charting familiar territory for this community’s identity in brinkmanship, the contemporary Pro-Bonfire Aggie must reform a new collective identity on the open prairie of Brazos County. Here, a balance is sought to indoctrinate the paradox of modernization, heritage and traditional values so as to once again symbolically unify all Aggies, past and present.

D.3.1.2. Build the Hell Outta Bonfire

Days after the tragic collapse in 1999, a vocal contingency of the Aggie community advocated the discombobulated log pile not be memorialized in failure, but rather, that an *ad hoc* Bonfire be reconstituted out of the dismembered lumber and burned in memory of those killed and injured.

⁹³⁹JENCKS, *supra* note 24, at 263 - 264.

Many suggested the logs be divided into 12 small bonfires on the Polo Fields, each burned independently in memory of one of the bonfire victims in likeness to ancient pyre ceremonies. Although this did not occur, it is telling of the widespread sentiment that began nearly as soon as the Bonfire fell:

To Bonfire loyalists, choosing not to revive it – and letting it falter in the face of death – is both a disservice to Aggie spirit and to the victims, who will have lost their lives in vain. “There’s a reason that my brother was working on the stack at 2:42 a.m. that morning,” said senior Kristin West, whose brother was killed in the collapse. “He was a die-hard Bonfire person. He’d want Bonfire to continue but only if it could be safely returned to campus.”⁹⁴⁰

Immediately after the collapse, an independent commission was formed to investigate and report on the cause of the collapse. Although the investigation proved more difficult than expected, the Final Report was released on May 2, 2000. To the “whooping” relief of Bonfire enthusiasts, the Report essentially found that a safe Bonfire was possible if the findings of the document were incorporated into the future form and practice of the tradition.⁹⁴¹ One month later, President Bowen authorized the planning for a revived on-campus Bonfire for November 2002.⁹⁴²

In spite of Bowen’s promise to revive the tradition on-campus by November 2002, an off-campus group “Keep the Fire Burning” built considerable momentum in creating a public, unsanctioned Bonfire as early as 2000.⁹⁴³ After considerable worry that this off-campus venture could cause further death and injury, event organizers postponed their plans until the on-campus event in 2002.⁹⁴⁴ Having avoided a major Bonfire event off-campus, Bowen’s team solicited construction management companies to oversee the design and execution of the first post-1999 on-campus Bonfire in anticipation of the 2002 event. Also, the administration created the Bonfire 2002 Steering Committee, which included an Institutional Cultural Task Force charged with addressing many of the systemic faults noted in the Special Commission’s Final Report.⁹⁴⁵

⁹⁴⁰ Colloff’s *Eternal Flame*, *supra* note 821, at 42.

⁹⁴¹ James Kimberly & Ron Nissimov, *Bonfire panel cites design, neglect - Students try to focus on the Positives*, HOUSTON CHRONICLE, 1 (May 3, 2000).

⁹⁴² John Williams, *Decision on Bonfire - Bowen’s ruling comes with fatherly advice*, HOUSTON CHRONICLE, 21 (Jun 17, 2000). Almost as a foreshadowing of the demise of on-campus Aggie Bonfire, Bowen promised to stay on as President until November 2002 so as to “see this thing out.” In February 2002 when Bowen announced that the Aggie Bonfire would be delayed at least another year, he retired that summer and was replaced by Dr. Robert Gates.

⁹⁴³ *Group warned of punishment if bonfire burns*, HOUSTON CHRONICLE, 17 (Aug. 1, 2000).

⁹⁴⁴ *Unauthorized bonfire at A&M opposed - Student leaders of last year’s effort say separate event would cause pain*, HOUSTON CHRONICLE, 13 (Sep. 11, 2000).

⁹⁴⁵ Institutional Culture Task Force Interim Report, *supra* note 818.

The fate of the tradition changed, though, when a second safety consultant backed out of contract negotiations with the university in the aim of constructing a safe, on-campus Bonfire.⁹⁴⁶ By February 2002, a third safety consultant backed out of negotiations, forcing the university administration to postpone the Aggie Bonfire at least another year.⁹⁴⁷ Bowen, having already announced his retirement in the upcoming summer, suffered hissing (“hissing” is a traditional form of booing at Texas A&M, meant to replicate a horse’s laugh) from the many Bonfire enthusiasts there to receive his decision in person. In the article, the retiring President was paraphrased as to his worries regarding the future of the tradition:

Bowen said renegade Bonfires are a serious concern in the wake of his decision, and the university would try to prevent them if possible. He said A&M could only act against such Bonfires if the students try to associate them with the university.⁹⁴⁸

Renegade Bonfires: 2000 – 2005. Secretly, on-campus groups had already begun to organize and execute “renegade” off-campus Bonfires as early as 2000. Due to the worry that the University would punish any group that organized such an event, the Corps outfits, non-regiment dorms, and other spirited organizations simply avoided any record these activities, explicitly hiding the fact these were taking place away from public discovery. From 2000 until 2004, these events were like rumors that everyone enjoyed telling about themselves without giving too many details.⁹⁴⁹

In 2002, the secrecy of these off-campus events was no longer socially necessary as the Aggie community had abandoned the expectation that the administration would keep its promise to organize a new, safe on-campus Bonfire event. The few that still believed an on-campus Bonfire was possible formed a university club called the Bonfire Coalition in 2002.⁹⁵⁰ Off-campus, a grassroots organization was established in 2002 to rehabilitate the symbolism, camaraderie and institutional memory of the pre-1999 Bonfire; a group initially named the Unity Project.⁹⁵¹

It seems today that simply burning *anything* in an organized and public manner was the primary goal of the Unity Project that first year. The organizers directed participants to simply cut and stack harvested logs into three piles in the shape of a common bumper sticker around Aggieland:

⁹⁴⁶ *Houston man bows out of Bonfire job*, HOUSTON CHRONICLE, 40 (Oct. 13, 2001).

⁹⁴⁷ Ron Nissimov, *Safety issues put Bonfire on hold for another year*, HOUSTON CHRONICLE, 1 (Feb. 5, 2002).

⁹⁴⁸ *Id.*

⁹⁴⁹ For an architectural film project, I interviewed many organizations and former dormitory residents regarding Bonfire after the tragedy. Nearly all of them expressed a secret yet regular participation in off-campus, self-generated Bonfire forms in preparation for the game with the University of Texas in November each year.

⁹⁵⁰ *The Bonfire Coalition at Texas A&M University: Organization Profile*, STUDENT ACTIVITIES (2011) <<http://studentactivities.tamu.edu/online/organization/1271/profile>>.

⁹⁵¹ *About Student Bonfire*, *supra* note 119.

the University of Texas longhorn icon with its horns “sawed off” (See **FIGURE 118**).⁹⁵² At this time, other renegade off-campus bonfires began to “come out” and become legitimized in their efforts to “keep the [Bonfire] spirit alive.” One such renegade Bonfire that rivaled the Unity Project was held in Magnolia, Texas.⁹⁵³ The Magnolia version of the off-campus Bonfire blossomed over the years into a full weekend event, with a golf tournament and BBQ activities organized to raise money for student scholarships.⁹⁵⁴ Off-campus Bonfires became popular with literally thousands of students who had little construction experience and were building ever-increasingly large structures to burn. Early administrative worries that another tragedy could occur were clearly well-founded.⁹⁵⁵

The future of Bonfire, on- or off-campus, became a polarizing issue in the local politic. Even so, the idea of bringing Bonfire back was popular with a large contingency of the Aggie community. In a survey executed by the Bonfire 2002 Transition Committee in January 2002, students responded to a twelve-item questionnaire.⁹⁵⁶ With just over 11 thousand respondents (11,983), overwhelming support by the students evidenced a strong majority favor in returning Bonfire to campus under redefined safety parameters (92%).⁹⁵⁷ Further adding to the popularity of a new, safe on-campus Bonfire, many of students injured in the 1999 tragedy were expressing both public and private support for the new event.⁹⁵⁸

In 2002, the Unity Project organized their event at an open race-track northeast of Bryan, Texas. After the success of their first referential “sawed off” Bonfire, the organizers returned to the symbolic wedding-cake tiered Bonfire form in 2003. Also, the group changed their name to Student Bonfire, and on the Saturday before the University of Texas versus Texas A&M football game, approximately 13,000 spectators arrived by bus, truck and ATV to watch the massive, reborn exiled tradition burn.⁹⁵⁹ Any administration’s hopes that the Bonfire paradox would fade away were dashed, and strangely, an increasing number of faculty were secretly helping the Student Bonfire designers each year with lumber burn rates and design modeling.⁹⁶⁰ The City of Bryan even authorized the use of the metropolitan power supply for lights and communication

⁹⁵² *Id.*

⁹⁵³ *Keeping the fire burning*, HOUSTON CHRONICLE, 1 (Nov. 27, 2002).

⁹⁵⁴ *Bonfire Classic*, HOUSTON CHRONICLE, 2 (Nov. 20, 2003).

⁹⁵⁵ Almost immediately, the off-campus events became known as ‘renegade’ bonfires in the news. Further, by 2006, this sort of spirited activity was seriously growing beyond local control with student, former student and faculty actions slipping into the realm of criminal activity. See *Renegade Aggie bonfire ignited again*, HOUSTON CHRONICLE, 4 (Jan. 3, 2006).

⁹⁵⁶ Rolando Garcia, *Student input sought for Bonfire 2002*, THE BATTALION (Jan. 15, 2002).

⁹⁵⁷ Bonfire 2002 Student Survey Results, BONFIRE 2002 TRANSITION COMMITTEE (Jan. 2002).

⁹⁵⁸ *Flames still burn bright for this Aggie*, HOUSTON CHRONICLE, 1 (Aug. 28, 2001).

⁹⁵⁹ Colloff’s *Eternal Flame*, *supra* note 821, at 45.

⁹⁶⁰ John P. Lopez, *New bonfire a hot ticket for Aggies*, HOUSTON CHRONICLE, 1 (Nov. 20, 2005).

needs. By the 2005 event, against official university policy, football players, yell leaders, former band members and a large contingency of the Corps attended the Burn event. In three years, the Student Bonfire organization had taken a legitimate leadership role in this new expression of a post-1999 Bonfire tradition.

Student Bonfire, Inc. By 2005, the momentum and success of past off-campus Bonfire events pushed the Student Bonfire organization to undertake a strong program of self-defined institutional rationalization. It is important to note that on-campus, university president Bowen was replaced with incoming Dr. Robert Gates. Dr. Gates was introduced to Aggieland as the interim dean of the George H.W. Bush School of Government and Public Service. Prior to his service as dean, Dr. Gates had spent an entire career at the Central Intelligence Agency [hereafter “CIA”], retiring from his duties as Director in 1993. Dr. Gates only left his position as University President after assuming the role of Secretary of Defense of the United States in 2006.⁹⁶¹

Considered a faculty-centric administrator, Dr. Gates has been heralded in recent history as one of the greatest university presidents Texas A&M has been lucky enough to employ. Beyond his empowering stance in favor of faculty development, Gates was a major proponent of a high quality built environment for the university.⁹⁶² Dovetailing the already extensive research progress made with the Vision 2020 campaign, Dr. Gates expedited a growing focus on demolition, planning and new construction on campus.⁹⁶³ While he was President, a nationally recognized Campus Master Plan (2004) was completed and a number of Leadership in Energy and Environmental Design [hereafter “LEED”] Certified academic buildings were planned, financed and completed. Further, a new emphasis on campus housing and the urban character of the university gained attention as issues of campus sustainability became paramount.⁹⁶⁴ Along with Ross and Rudder, Gates is already considered a historically significant administrator of the highest caliber, roundly believed to have furthered the prestige and excellence of the Texas A&M University brand.

In terms of a growing renegade operation whose imperative was in direct opposition to administration policy,⁹⁶⁵ the fact that a former CIA director was at Aggieland’s helm made Student Bonfire’s leadership, at the very least, jittery. At times, the Student Bonfire leadership

⁹⁶¹ *Office of the President: History of the Office*, TEXAS A&M UNIVERSITY (2011) <<http://president.tamu.edu/about/history-of-the-office/>>.

⁹⁶² Campus Master Plan, *supra* note 908, at v.

⁹⁶³ April Avison, ‘Agent of change’ will be known for accomplishments, BRYAN-COLLEGE STATION EAGLE (Nov. 9, 2006).

⁹⁶⁴ *Imperative 8: Enrich Our Campus*, Vision 2020, TEXAS A&M UNIVERSITY, 52 - 53 (1999).

⁹⁶⁵ *Group warned of punishment if bonfire burns*, HOUSTON CHRONICLE, 17 (Aug. 1, 2000).

seemed to be downright paranoid.⁹⁶⁶ This worry was understandable as the Student Bonfire was under intense public pressure as an organization. As there were articles in regional and national papers on a weekly basis, this fledgling off-campus Bonfire was under a microscope while the news media, university administration, and greater Aggie community all held their breath waiting to witness another fatal mistake made by the Bonfire enthusiasts.

Fortunately, the university administration's two-year, nearly \$2.25 million exercise under President Bowen to investigate the tragedy and steer a post-1999 on-campus Bonfire did not go to waste.⁹⁶⁷ After the success of the Unity Project exhibition, the gestating Student Bonfire organization studied the litany of faults found from the extensive investigation performed on the pre-1999 Bonfire.⁹⁶⁸ In reaction, led largely by Aggie Bonfire veterans from Bonfire's time on campus, the organization undertook an engineering analysis of the proposed structure and hired Will Wilkenson, P.E. of Houston, Texas, to design and oversee a new, structurally safe off-campus Bonfire.⁹⁶⁹ As Student Bonfire realized they would require significant contributions from the Aggie community, they incorporated and registered the organization as a 501(c)(3) charity with the Internal Revenue Service. As the off-campus organization realized they would also need the support of local government services, Student Bonfire instilled policies that established a neighborly attitude towards adjacent landowners and public officials, including a strict prohibition on alcohol consumption. Finally, addressing the big problem unattainable by the Texas A&M faculty and administration, Student Bonfire successfully secured a \$1 million liability insurance policy to safeguard the organization against any unforeseen accidents in the future.⁹⁷⁰

Over the next few years, Student Bonfire became less "renegade" and incrementally exhibited the attributes of a rational organization to *safely* keep the spirit of Bonfire until a return to campus. Witnessing the growing success of the off-campus group, other competing Bonfire organizations lost membership and eventually ceased to exist. By 2007, Student Bonfire became *the* Bonfire

⁹⁶⁶ On November 12, 2005, when Student Bonfire was still considered simply "Off-Campus Bonfire," I visited the Cut site for the last day of Cut and the first day of Stack. There, I met with an upper-level director regarding my intention to gather video footage for a class project in the College of Architecture. Although this agent as well as the organization as a whole was excessively helpful in showing me any attribute of the site, they were adamant that no video footage be taken. Instead, they allowed audio recordings and unlimited still photography. When I pressed the most senior director (Chance Robinson) I was in contact with regarding the prohibition on video footage, he simply stated that liability issues were a concern as to the long-term survival of the off-campus enterprise. After allowing me into the site, our team was personally escorted by at least one, if not two upper-level directors of the organization at all times.

⁹⁶⁷ The cost of the Bonfire Commission's investigation and report cost \$2 million. The cost of the Bonfire 2002 Steering Committee and other internal research endeavors aiming to amending the cultural issues that caused this tragedy were estimated at \$250,000. See John Lee Cook, Jr., *Bonfire Collapse, Texas A&M University, College Station*, U.S. Fire Administration's Technical Report Series (USFA-TR-144), DEPARTMENT OF HOMELAND SECURITY, 22 (Nov. 1999).

⁹⁶⁸ So as to assure parents, the media, and university officials as to the safety of the Student Bonfire, the organization's leadership routinely goes over the structural and cultural standards used to insure a 1999 Bonfire Tragedy does not occur again, regularly citing the Bonfire Commission's findings and suggestions for safety.

⁹⁶⁹ KATHLEEN FEARN-BANKS, CRISIS COMMUNICATIONS, 160 (2011).

⁹⁷⁰ *A&M students plan off-campus bonfire*, HOUSTON CHRONICLE, 30 (Oct. 4, 2003).

organization as the Bonfire Coalition discontinued and students, former students, administration and news outlets deferred to Student Bonfire as the ultimate voice for the century-old tradition.

TABLE 17. Student Bonfire UAF Inventory

Overall Urban-Arch Features		Land Area 43.90 acres 978,451 sq.ft.		Built Area 0.15 acres 6,391 sq.ft.	
	FIG. #	Data Notation	(sq. ft.)	(sq. ft.)	
AGGIE BONFIRE Trailer	120, 135, 139, 141-142, 144	A	293	293	
Cookie Shack/Mini-RV Unit	120, 137, 143	B	91	91	
Brown Pot Shack	123-124, 136-137, 140, 142-143	C	293	293	
Supply Trailer	120, 134, 136, 143	D	159	159	
Red Pot Shack	122, 134, 136, 142-143	E	102	102	
Biomass Pile	120, 134, 136, 142, 144	F	123	123	
Bonfire Stack	121, 123, 134, 138, 141, 143-144	G	2,183	4,633	
Bonfire Stack Staging Area	134	GG	13,324	100	
Green Pot Trailer	125, 138, 140	H	252	252	
Bonfire Hilton/Senior Hotel	125, 135	J	267	267	
Water Tank	126, 137	K	16	16	
Fuel Tank	126, 137, 142, 145	L	48	48	
Bailing Wire Sets	124-125, 136	M	32	16	
Log Staging Area	122, 126, 132, 134, 139	N	231,550	0	
Bonfire Event Parking	132, 139	O	666,387	0	
Roadways	132, 134, 138		29,792	0	
Existing Pond	125, 135, 139, 142		33,543	0	

In 2007, the Student Bonfire moved to its current location on the border of Robertson and Brazos County. This new location is just less than 15 miles from the main campus of Texas A&M and is found simply by geographic coordinates: 30.744319, -96.475444.⁹⁷¹ Important for the contemporary exhibition of Student Bonfire, this site accommodates the traffic and parking for upwards of 7,500 spectators, avoiding the excessively long traffic delays encountered at the past

⁹⁷¹ *Burn Night 2011*, STUDENT BONFIRE (2011) <<http://www.studentbonfire.com/index.php>>

two sites utilized for the “Burn” event.⁹⁷² On November 18, 2009, the Student Bonfire “Stack” site was surveyed as the focal log mass was nearing completion. As a whole, the Student Bonfire is made up of 17 elements of the built environment (*See* **TABLE 17**):

D.3.1.2.1. AGGIE BONFIRE Trailer (Notation #A)

Categorized as an ‘Utilities & Service Systems’ resource, the iconic AGGIE BONFIRE semi-truck trailer is located at the south end of the semi-circle Student Bonfire urban form. Featured prominently since the late 1980s, this trailer acts as both a landmark and storage shed for Bonfire activities. Based on measurements from 2009, the AGGIE BONFIRE trailer contributes 294 square feet of storage space for bonfire construction (*See* **FIGURES 120, 135, 141 - 142, and 144**).

D.3.1.2.2. Cookie Shack/Mini-RV Unit (Notation #B)

Categorized as a ‘Cultural’ resource, the current iteration of the Cookie Shack is housed in a mini-recreational vehicle permanently parked on the site. Cookie Shacks, vending facilities and other forms of food distribution have been a staple of the Bonfire tradition since at least the 1970s. This one is located north of the AGGIE BONFIRE trailer between a water tank and fuel tank. Based on 2009 measurements, the Cookie Shack measures at 91 square feet, providing vending space and food preparation facilities (*See* **FIGURES 120, 137 and 143**).

D.3.1.2.3. Brown Pot Shack (Notation #C)

The Brown Pots are a specialized leadership group that developed after the Yell Leaders gave up Bonfire leadership to a “Pot” hierarchy in 1967. Brown Pots are charged with machinery maintenance, use and the portions of Bonfire that require mechanized assembly. Chainsaws, tractors, and advanced pulley systems are within the expertise of the Brown Pots, and their shack is a place to work on such equipment, rest, and plan Bonfire execution in regards to their function. Categorized as a ‘Public Service’ resource, the Brown Pot Shack is much like a public equipment workshop, there to store, repair, train and use machinery in the appropriate manner. Based on 2009 measurements, the Brown Pot Shack measures at 293 square feet and is located

⁹⁷² In 2003 and 2004, traffic issues for the 12,000 - 13,000 spectators became so great that the traditional lighting ceremony of the Student Bonfire had to be postponed for hours each year. Currently, the problem faced by organizers is the necessity to turn spectators away after the parking area is filled beyond capacity.

on the north arc of the site's urban semi-circle (See **FIGURES 123, 123 -124, 136-137, 140, 142-143**).

D.3.1.2.4. Supply Trailer (Notation #D)

Categorized as an 'Utilities & Service Systems' resource, this single-axle semi-truck trailer is located central to the string of built structures at Student Bonfire. As one of the primary permanent features of the operation, this trailer has provided a place to store, secure and transport Student Bonfire tools and goods since at least the 1990s. Based on measurements from 2009, the Supply Trailer contributes 159 square feet of storage space for construction (See **FIGURES 120, 134, 136 and 143**).

D.3.1.2.5. Red Pot Shack (Notation #E)

After the Yell Leaders retired their leadership over the Bonfire Tradition in 1967, the Red Pots emerged as the moniker for the Junior and Senior leadership over the massive Bonfire tradition. Since this time, a supremely exclusive space has been developed for the Red Pots, simply noted as the Red Pot Shack. Responsible for all activities (by tradition, the Red Pot on-shift 'knows everything'), in the pre-1999 era of on-campus Bonfire, the Red Pot Shack seemed to exhibit the air of relaxation and partying for the leadership. Also, many of the worst attributes of pre-1999 Bonfire tended to emanate from these privileged quarters.

Today, things are much different. While surveying the site, an on-site Red Pot discussed the different attributes of the individual buildings associated with the Student Bonfire. When identifying the Red Pot Shack at the end of the small dirt road to the Stack, at first the agent (Jeremy Stark) simply called it the communications center. A few seconds later, he redignified the small structure as the Red Pot Shack based on the lettering on its exterior walls: REDPOTS ONLY! STAY AWAY!. On the north side of the small out-building, there is a large "Z" icon, the corporate trademark of the Zachary Construction Company, a long-time supporter of the Bonfire, both on- and off-campus. It can only be assumed the building was donated by the Zachary Construction Company after it had fulfilled its purpose in the field.

All electricity and communication lines run directly to this small out-building. Barely big enough for a microwave, a mini-fridge and a series of book shelves, the Red Pot Shack is a humble, utilitarian building endeavoring to redeem the cultural perversity that was a byproduct of its

exclusivity in the pre-1999 past.⁹⁷³ As it is currently used, this structure is characterized as a ‘Public Service’ resource and measures at 102 square feet (See **FIGURES 122, 134, 136 and 142-143**).

D.3.1.2.6. Biomass Pile (Notation #F)

Reminiscent of the early Bonfires of the 1920s, a biomass pile of old crates and wooden pallets are shaped in a rough pyramid 25 feet from the Red Pot Shack. Categorized as an ‘Utilities & Service Systems’ resource, this 123 square foot pile of remnants acts as source of building materials, campfire wood, and makeshift tooling (stakes, signage, tacking) for the development of the Student Bonfire. Although there was considerable trash on the Aggie Bonfire site when it was on-campus, the organized nature of this Biomass Pile is a new feature for the tradition (See **FIGURES 120, 134, 136, 142 and 144**).

D.3.1.2.7. Bonfire Stack (Notation #G)

At the heart of the site is the Bonfire Stack, a truly massive structure that will never exceed a 45 foot height limit and is built by hand from roughly 1,800 locally harvested logs. Designed by Will Wilkinson, P.E. in 2004, the Bonfire has not changed in structure, layout or methodology beyond engineering refinements since it was drawn by Wilkinson and submitted to local authorities for approval. Although symbolically linked to the wedding-cake, tiered iteration of the on-campus Bonfire made famous in the late 1980s and 1990s, the Student Bonfire is dramatically different in the precautions and structural safeguards specified for construction. Unlike any past Bonfire design since perhaps the 1930s, all logs of this Bonfire structure are long enough to reach the ground. A steel, welded cruciform structure connects a five-member pier system of wooden posts.

At the heart of the steel structure is a 60 foot centerpole buried 15 feet into the ground. At each end of the cross are four 35 foot interior Bonfire structural poles, each buried 10 feet in the ground and manifesting an eight foot radius from the center. From this structural core, Red Pots are instructed as to the appropriate organization and affixation of logs, tallest first (32 feet high), then progressively shorter (25 feet, 20 feet, 15 feet, then 10 foot perimeter logs) as the Stack reaches pre-determined radial distances from the centerpole. By the time the Stack is completed, it has a 50 foot diameter, 45 foot height, and weighs approximately 675,000 pounds. Any year-

⁹⁷³ Burka's *Bonfire Tragedy*, *supra* note 819, at 148 - 149. Burka recounts many of the profane rituals undertaken and devised in the Red Pot Shack.

to-year, *ad hoc* or fundamental design changes are forbidden as a safety precaution and so as to minimize the annual expenditure of structural design and approval.

Telling of the newfound organizational openness expressed by the current Bonfire enthusiasts, these design specifications are a direct result of the findings of the Bonfire Commission after investigation of the causes of the tragedy in 1999. In essence, although this Bonfire superficially looks, feels and is built like the pre-1999 Bonfire, it is clearly a product of the post-1999 tragedy in the scope of professional oversight and local government coordination. With wisdom gained from the deaths of its own volunteers, the Student Bonfire's expression of Stack is now a much more rationalized, reflexively modern form of the century-old ritual.

Categorized as a 'Cultural' resource, this massive four story totemic structure is located at the heart of the Bonfire site. Although aesthetically similar to pre-1999 Bonfires on campus, this Stack is a clear product of the research, design and precautions necessary in a post-1999 Bonfire world. Based on measurements from 2009, the Stack has a 2,183 square foot radial footprint with 4,633 square feet of tiered, total built area (*See* **FIGURES 121, 123, 134, 141, 143-144**). The Bonfire Stack also has internal components that represent the 'Hazards & Hazardous Materials' category, specifically the new structural apparatus described above. This newfound safety apparatus has a 12 square foot footprint, and makes up 75 square feet of total built area.

D.3.1.2.8. Bonfire Stack Staging Area (Notation #GG)

Categorized as a 'Hazards & Hazardous Materials' resource, for decades prior to the 1999 tragedy, a 100 foot radial perimeter from the centerpole location has been designated as the Bonfire Stack Staging Area. Well lit and markedly different in terms of groundcover, this area is heavily policed by Bonfire leadership due to its proximity to the action and dangers of Bonfire construction. Based on measurements from 2009, the Bonfire Stack Staging Area has a 13,324 square foot radial footprint (*See* **FIGURE 134**).

D.3.1.2.9. Green Pot Trailer (Notation #H)

The Green Pots are a new post-1999 specialized leadership group that developed so as to insure that the appropriate training, membership dues, paperwork and worker census was taken for each Student Bonfire volunteer. In 2005, the Green Pots simply had a pop-up tent to facilitate a series of liability waivers and to double-check that volunteers had received appropriate training. Today, the Green Pots have their own triple-axle army surplus supply trailer for facilitating their

human resource purpose. Located at a natural gateway defined by a massive oak tree, the Green Pot Trailer provides 252 square feet of space and is categorized as a ‘Public Service’ resource (See **FIGURES 125, 138 and 140**).

D.3.1.2.10. Bonfire Hilton/Senior Hotel (Notation #J)

Impromptu residential facilities have been a regular staple of the Bonfire tradition for decades, originally giving rise to the various shacks haphazardly built on the Stack site to weather the regular downpours experienced in the College Station during football season. In the 1990s, each dormitory that was participating in Cut and Stack would build micro-living quarters for their membership with couches, cots and even televisions powered by imported generators. These small encampments lined the Polo Fields for weeks until the site was cleared for the Burn event. Today, as the individual shacks have been repurposed for utilitarian purposes, there is less room for resting on the site.

In 2009, a two-room, windowless “Senior Hotel” was built on the small pond located on the far south end of the Stack site. Also known as the “Bonfire Hilton,” this haphazard 267 square foot structure is encased by oriented strand board and floats on a small cavalry of sealed 55 gallon drums strapped to the four rafters under the floor of the residence. Categorized as a ‘Population & Housing’ resource, as the small pond has essentially dried up in the past two years of on-going drought, the Bonfire Hilton appears to no longer be in existence (See **FIGURES 125 and 135**).

D.3.1.2.11. Water Tank (Notation #K)

Categorized as a ‘Utilities & Service Systems’ resource, a water tank has been available on-site for construction purposes since the pre-1999 times of Bonfire. This water tank is a 16 square foot structure, independently housed for easy access (See **FIGURES 126 and 137**).

D.3.1.2.12. Fuel Tank (Notation #L)

Categorized as a ‘Utilities & Service Systems’ resource, a fuel tank has been available on-site for construction purposes since the pre-1999 times of Bonfire. Providing necessary fuel for the chainsaws, tractors, cranes and on-site work trucks, this fuel tank is a 48 square foot green rusting belly of petrochemical potential lying flatly on the ground (See **FIGURES 126, 137, 142 and 145**).

D.3.1.2.13. Bailing Wire Sets (Notation #M)

Categorized as a 'Utilities & Service Systems' resource, an assemblage area of 16 square feet has been created since the 1999 tragedy to prepare exactly measured wire lengths. After careful review and reflection on the structural causes of the 1999 collapse, many of the veteran Bonfire workers had commented to Student Bonfire leadership that wire sets were of a haphazard and poor uniformity for wiring the logs together. Based on Wilkinson's design specifications, uniform wire sets are required for a safe Bonfire structure. So as to create these wire sets, lengths are clearly marked and volunteers are trained to cut wire lengths appropriately and per necessary gauge. Faulty or mistaken wire sets are discarded in a large recycling bin near the wire set assemblage tool (See **FIGURES 124-125** and **136**).

D.3.1.2.14. Log Staging Area (Notation #N)

Categorized as a 'Land-Use Planning' resource, a massive log staging area has been necessary ever sense harvested logs have had to be cut and transported in from an alternative location. Essentially an open space reservation on the Bonfire Stack site, this space is used to lay out, clean, categorize and reorganize the litany of logs for appropriate stacking. As the contemporary Bonfire structure is created based on a strict height progression, this 231,550 square foot log staging area has gained in importance so as to utilize the roughly 1,800 logs as per specific engineering detail (See **FIGURES 122, 126, 132, 134** and **139**).

D.3.1.2.15. Bonfire Event Parking (Notation #O)

Categorized as a 'Transportation & Traffic' resource, the majority of the site by necessity must be reserved for parking on the night of the 'Burn' event. As the first Student Bonfires could accommodate 12,000 – 13,000 spectators by laboriously bussing in the fans from an alternative location, the current location has a large parking area reserved for individuals to car pool onto the site to witness the event. Having onsite parking has allowed the Burn event to go forward at the planned time without the delays suffered in the early off-campus Bonfire events, but has limited the number of spectators to a roughly 7,500 member audience. Bonfire Event Parking is a reservation of 666,387 square feet of open space on the site, expressing the largest resource use onsite (See **FIGURES 132** and **139**).

D.3.1.2.16. Roadways

Categorized as a 'Transportation & Traffic' resource, unimproved dirt roads take up 29,792 square feet of the Bonfire site. Necessary for human and construction resource management, the dirt roads have been a necessity in the execution of the massive Bonfire ritual since the 1930s (See **FIGURES 132, 134 and 138**).

D.3.1.1.17. Existing Pond

Categorized as a 'Hydrology & Water' resource, an existing livestock watering pond that has a 33,542 square foot surface area adds a nominal assurance of fire suppression in case of necessity. The existing pond also has provided a resource of respite as volunteers wander down to the unimproved landscape feature to relax after extensive physical work. In addition, the pond hosts the Bonfire Hilton/Senior Hotel for Red Pot utilization (See **FIGURES 125, 135, 139 and 142**). Unfortunately, the pond has been slowly drying up over the past two years since the survey was conducted due to a prolonged drought in Texas.

D.3.1.3. Student Bonfire as Urban-Architectural Form

Reporting on her witnessed account of the first Student Bonfire of November 2003 that drew upwards of 13,000 spectators, Pamela Colloff wrote the following for TEXAS MONTHLY in January of the following year:

Anyone who stumbled across the scene would have thought he was witnessing some sort of pagan ritual, for as soon as the fire was lit, students began to run through the litany of yells, band gestures, and cheers that are unique to A&M. The assembled Aggies did not linger for long after the outhouse fell; alcohol was not allowed at the site, and there were parties back in College Station to attend. But that night, they stood and stared up at the flames together, watching a bonfire burn, the Aggie family was united – for a little while, at least.⁹⁷⁴

This description could easily be applied to any on-campus Aggie Bonfire I experienced as a student from 1994- 1997.⁹⁷⁵ Different, though, is that when I was a student at Texas A&M, the Aggie Bonfire was an immortal tradition that would never die as long as the university was in

⁹⁷⁴ Colloff's *Eternal Flame*, *supra* note 821, at 45.

⁹⁷⁵ Smith, *supra* note 122, at 197. Smith discusses that alcohol prohibition was instituted in 1989 as a measure to stave off the continued criticism against the profanity of Aggie Bonfire prior to the 1999 tragedy. From personal experience, I remember as a visiting high-school student witnessing widespread inebriated condition of Aggie Bonfires prior to 1994. But, during my years as an undergraduate student from 1994 - 1997, on-site policing had greatly increased as the spectator population numbered above 70,000. Further, it seems after I graduated, alcoholic policing was lax at best as the football was continually more successful. As the Bonfire project was a major undertaking, the success of such alcohol prohibition policies largely depended on that year's leadership and the will of other groups to administer oversight.

existence. Unlike Bonfire, organizations like the Parson's Mounted Calvary, the Fish Drill Team, or even the Corps of Cadets were constantly threatened by the specter of diminishing participation and incidents of hazing.⁹⁷⁶ Be it due to external or internal threats, there has always been a worry by committed Aggie participants that the student organization they have come to love will be discontinued in the following years by irresponsible newcomers, or worse yet, a lack of interest as no one will appreciate the value of the organization's traditional mission.

This worry is exponentially worse, threatening even, when there is an unusually high number of willing volunteers and a traditional ritual linking generations of Aggies is literally banned from expression. In the years after Bonfire was discontinued by the administration, a uniform sense of malaise gripped the campus.⁹⁷⁷ Once President Bowen announced there would be no 2002 Bonfire, that minority willing to undertake the risk on their own outside the bounds of university authority decided they had to take collective action. Contemporary Aggieland is seemingly a place built on a commitment to refit old traditions until they find redemption in the current student circumstances, making them recognizable to older generations yet appropriate for the conditions of today's youth experience. Bonfire, though, was most likely the tradition in most need of refitting in the years leading up to 1999, while internal pressures from the Aggie community resisted such change due to the ritual's sacred place with generations of participants.

As discussed earlier, leading up to the 1999 tragedy, deregulation and suburbanization had eroded the traditional foundation that Aggie Bonfire relied on for iterative success. The campus's urban form was at the historic height of decentralization as important Bonfire-centric dorms were being closed without replacement. Further, the Bonfire's sole authority of construction oversight, Dr. Larry Gross, was promoted away from the campus and never appropriately replaced to guide the students in their heroic (or monstrous?) endeavor. As the ritual was superficially continued as it had for decades, the underlying values it relied on, i.e. the traditional physical campus community and the knowledge of a Master Builder had been scrapped in the process of Aggieland's greater institutional rationalization. In any effort to redefine an exiled off-campus Bonfire, the leadership of this new endeavor had to deal with these paradigmatic issues. In other words, they had to create a meaningful expression of sacred heritage "after nature, and after tradition."

⁹⁷⁶ In 2002, investigations as to incidents of hazing in the Parson's Mounted Calvary were initiated. In the late 1990's the Fish Drill Team was disbanded for a number of years. Further, although the entire Quad block (a southside residential district) has been reserved for Cadets only since it opened in the late 1930s, since the Corps became voluntary, it has been difficult to fill all 2000 beds it reserves for ROTC members.

⁹⁷⁷ Colloff's *Eternal Flame*, *supra* note 821, at 43.

In an unintentional way, the Student Bonfire did just that by indoctrinating the litany of reports, criticism and suggestions while it transitioned from renegade status to exiled authority. With the recent death of the twelve volunteers framing the stakes of any future expression of Bonfire, the organizers took the enterprise of “Bonfire” much more seriously, rightfully placing the planning, construction, and the safety of the ritual at center stage. Also, with the tragedy, a strange windfall of hitting bottom in any organization is that once operations are rebuilt, plans can be redrawn to shed unnecessary institutional baggage. With Student Bonfire, such an unfortunate advantage was employed to streamline, satisfy and also safeguard the tradition in this new iteration of existence.

By reintroducing the Bonfire tradition in exile, the Student Bonfire organizers inherently addressed the two biggest problems facing the organization in its very structure. First, the organizers relied on traditional campus human capacity, but organized and facilitated that capacity through an off-campus mechanism. Crews were again organized based on the most active dorms on-campus, but all volunteers were required to undertake basic training, safety, and communal indoctrination before collective membership was allowed. Rather than rely on former “traditional” methods of volunteer education, the Student Bonfire organization uniformly institutionalized all training so as to be assured that volunteers were appropriately fit for service.

Second, the Master Builder was replaced by contemporary methods of organization, design and oversight. Organizational structure has been codified in the incorporation of the non-profit charity. Design, specification and execution of the primary structure has been drawn and stamped by a professional engineer with a high degree of knowledge as to bonfire construction. Oversight has been provided by both the mechanisms of the corporation’s board of directors and the necessity to successfully secure liability insurance. Although the reintroduction of Bonfire itself may seem unconscionable to many after the 1999 tragedy,⁹⁷⁸ by 2005, the Student Bonfire had systemically undertaken the scope of the event as a construction project with conservatism so as to assure the safety of its volunteers without abandoning the critical aspects of the tradition important to loyal group members. When one visits the Cut site or the Stack and engages with the Student Bonfire staff and leadership, although they may be difficult to relate to, it is obvious the safety of their volunteers is paramount. Unlike the authoritative arrogance the permeated the pre-1999 Bonfire leadership, today’s Student Bonfire organizers exhibit a protective humbleness rarely found in this part of Texas.

⁹⁷⁸ Colloff’s *Eternal Flame*, *supra* note 821, at 40.

Today, two objectives are an outright obsession of the Student Bonfire organization: continue to construct Bonfire each year and avoid serious injury. In keeping with those objectives the leaders have found a permanent home for the construction rituals so as to keep the Bonfire at the very center of institutional focus. Merging an underlying anti-globalization political position in favor of archaic, handmade construction, these enthusiasts have merged their collective desire to this geographical place where little governmental oversight exists. Strange, crazy, paradoxical, even schizophrenic; all are appropriate adjectives for these volunteers. But regardless of what the outside world thinks of their endeavors, this band of *tradition* enthusiasts have sought to create a personal identity within the narratives of the place as generations have done so prior to their arrival. As noted by Smith:

An Aggie's meaning-seeking urge was, in other words, satisfied in the only way conservatives believe it can be satisfied, through acquiescent participation in the practices and roles given to them by the master narratives or traditions embodied in their place.⁹⁷⁹

Although forbidden to do so at the ritual's place of origin on campus, the thousands of Bonfire participants can once again continue this particularly Aggie narrative in exile. Here, student leadership has organized the consecutive event on volunteered rural land utilizing donated goods, recycling spent architectural waste, building wholly with volunteered labor and financed strictly with charitable giving. This group has against all odds created a small island of forbidden Aggie ritual; in essence, they have realized an urban realm in support of the continuation of the Bonfire tradition.

Established in this location in 2007, this 44 acre rural parcel volunteered by a sympathetic landowner has been utilized by the nonprofit Student Bonfire organization. Although the property lacks even a recognizable address, its location is well known by roughly 1,500 Bonfire construction volunteers and the 7,500 spectators that venture 15 miles from the Texas A&M campus each year to "build the hell outta bonfire." Today, on a neglected and ugly Brazos valley prairie, Aggies continue the century-old narrative of yelling, burning, kissing and whooping in social solidarity.

D.3.1.4. Collective Expression of the Built Environment

By 2002, based on the repeated failure of the Texas A&M administration to secure a licensed safety consultant for the project, it was believed by the general public that Aggie Bonfire was

⁹⁷⁹ Smith, *supra* note 122, at 184.

simply an impossibility given the imperative safety precautions, budgetary outlay and overall culture of the university community. Against this majority belief, veteran Bonfire leaders, current and former students collected together to organize an off-campus example of Bonfire to prove *by doing* the contemporary potential of one of Aggieland's oldest traditions. By 2005, headstrong and confident with three years of growing success, the organization had built a complete urban-political apparatus in furtherance of their goals of building a contemporary, safe and perpetual Student Bonfire.

Taken directly from the organization's online explanation, safety has become the most important part of Bonfire. Beyond the greater wish to make the tradition possible for future generations, for current volunteers:

Student Bonfire seeks to teach participants unity, hard work, leadership and camaraderie through the safe continuation of a timeless tradition.⁹⁸⁰

With merely six recognizable built structures in addition to the Bonfire itself, this collective of enthusiasts have attempted to assemble the necessary built environment for a safe exhibition of sacred enterprise. Approved design plans, legitimized corporate structure and an ultimate blessing by the U.S. Internal Revenue Service all lend convincing evidence as to the common purpose, fraternity and seriousness for which the Student Bonfire has undertaken a common expression of collective solidarity. On the grandest of collective intentions in reference to the timelessness of the Bonfire tradition itself, "Bonfire is about being a part of something bigger than yourself."⁹⁸¹ Student Bonfire, at its most basic level, is an apparatus to facilitate this individual connection to the larger, collective whole.

D.3.1.5. Singular Linguistic Form in Reterritorialization

Unique to the urban-architectural form is its emphasis on a 'singularity' in linguistic expression. This unique attribute is a functional one, as each urban-architectural form is executed in furtherance of specific goals by a clear communal actor in reaction to a perceived nuisance suffered by that actor. A singular linguistic form is thereby a product of the selected path to counteract such a nuisance, either by reverting to a pre-development condition (vernacular), to develop under contemporary rationality (vehicular), to redevelop in such a way that references

⁹⁸⁰ *About Student Bonfire*, *supra* note 119. In addition to the primary "Bonfire" purpose of the organization, Student Bonfire also awards educational scholarships to incoming freshman so as to fulfill its charitable purposes.

⁹⁸¹ *Id.*

culture or the senses (referential), or finally, to redevelop so as to attempt a link between the place and communal spirituality (mythic).

At the Student Bonfire site, although less than 1% of the land area reserved for the community is built at all, 73% of that built expression is the Bonfire structure itself. Floating like profane satellites around an overtly symbolic and monstrous sculpture, none of the remaining articles of the built environment are larger than 300 square feet. As nominal staging points for the greater manifestation of the century-old ritual, the ancillary shacks, trailers and spent outbuildings clearly defer to the greater sacred event held in late-November each year.

Deleuze and Guattari outline in *KAFKA* that mythic linguistic expressions embody a condition of being “on the horizon of cultures, spiritual or religious,” representing the spatio-temporal category of the beyond. Here, the politics of such a linguistic expression when used as a minor enunciation is one of a spiritual or religious type, one that attempts to reterritorialize geographic space so as to house a particularly mythic function. Here, as the Aggie Bonfire of the 1980s and 1990s had “served as a symbol that allowed Aggies to identify with the past,” its spiritual role on the Texas A&M campus grew as:

What had been a small, regional military college became a large, international research university in the space of a few decades, and as it did so Bonfire became an enormous monument to the proposition that in doing so TAMU had not lost its soul.⁹⁸²

After President Bowen announced that a Bonfire was not possible on campus in 2002, the void left in the wake of the tragedy only grew, and eventually contributed to the collective inertia for “renegade” action off-campus. As was the case when Bonfire was on campus, this ritual’s basic soul-searching exercise has only been transferred to an off-campus, banished location. Literally in the hinterland not far from three of the largest cities in the United States but far enough to be perpetually neglected, the Bonfire community has initiated a long-term campaign to win back the soul of Aggieland one Student Bonfire at a time.

In both substance and process, the Bonfire tradition presents a unique architectural form in terms of typical American spirituality. Drawing from a locally-generated practice of community-specific spiritual expression, the Bonfire tradition itself is more similar to eastern and classic notions of sacred design than it is to the colonial, evangelistic or even Catholic church forms that permeate the suburbs of Texas. To analyze both the design practice and final form it is more

⁹⁸² Institutional Culture Task Force Interim Report, *supra* note 818, at 55.

fitting to compare the Bonfire urban practice to other examples that have a source in earlier pre-modern eras.

The first example for comparison is taken from ancient Roman urban design as it concerns the *templum*. Derived from two different word origins, first it has a basis in the word *tueir* which means to “look, gaze, stare and observe.” Second, the *templum* dignifier is connected to the Greek word *temenos* which means “a sacred enclosure.”⁹⁸³ Regularly built at an early pre-survey point in the developing ancient Roman city for augury purposes, the *templum* was a sacred space set aside and constructed of wooded materials harvested from the immediate site of orientation. At the center of the *templum* space was a “fixed hut, of sawn, cut wooden planks for the taking of augury” by way of “cut, hew, wound.”⁹⁸⁴ As ancient Roman augury rites were performed in the outdoors, witnesses gathered outside this fixed, locally harvested wooden hut within the bounded *templum* space so as to collectively test the fitness of the proposed city’s location.⁹⁸⁵ After city inauguration, the *templum* continued as it was necessary to regularly free the city of evil influence and for consecration (*liberatum et effatum*),⁹⁸⁶ as this sacred yard by definition performed as a collective gateway point between nature, the city and the divine.⁹⁸⁷

The elaborate articulation of these rites, the repetition of dance and sacrifices and mysteries – all were performed to this end: to constitute the town as an organic unit and more specifically as protective and regenerating.⁹⁸⁸

There are a multitude of other design similarities between the traditional Bonfire structure and the ancient *templum*. The *templum* was drawn in four parts divided by lines from north to south and east to west.⁹⁸⁹ The Bonfire structure has at least since the 1980s been quartered due to structural and the necessary lighting facilities needed for construction. Further, since the Student Bonfire redefined the primary Stack structure using engineering standards of design, four new Windle-sticks have been added so as to structurally reinforce the integrity of the assembly. These Windle-sticks reify a four-quartered definition of the contemporary Bonfire, each placed at a 45 degree point between each pair of north-east, east-south, south-west, and west-north dyad.⁹⁹⁰ As the ancient Romans believed the “earth was circular, and that the sky formed a vault over it,” the structure of the *templum* shrine itself was circular and eventually

⁹⁸³ JOSEPH RYKWERT, *THE IDEA OF A TOWN*, 45 (1976).

⁹⁸⁴ *Id.* at 45 - 46.

⁹⁸⁵ *Id.* at 48.

⁹⁸⁶ *Id.* at 46.

⁹⁸⁷ *Id.* at 45.

⁹⁸⁸ *Id.* at 129.

⁹⁸⁹ *Id.* at 46.

⁹⁹⁰ This orientation is taken from 2011 arial photographic observations of the Stack site. In 2009, it appeared from the ground survey that the orientation of the Windle-sticks was in direct reflection of the north-south-east-west orientation, but this ground condition has not been confirmed with Student Bonfire staff.

domed.⁹⁹¹ Even so, for city inauguration purposes the focal shrine was of a more tent-like structure, a hut made of local materials necessary to verify the health of the place at foundation.⁹⁹² Since its inception, the Bonfire tradition has sourced the substantive components for traditional activities from local sources of lumber, waste, and other found materials. Naturally fitting the typical configuration of a large woodpile, this utilitarian-turned-sacred totem has since inception used a circular plan. Differing from the ancient Roman preference for a domed roof, iterations of a pyramidal elevation have been employed through the decades to achieve an iconic bonfire aesthetic.

At the heart of similarity between the *templum* and the traditional Bonfire is that both are a “place set out according to certain definite forms of words for the taking of auspices or for augury.”⁹⁹³ For the Aggie community, the primary auspice sought was whether Texas A&M would be victorious over the University of Texas on the usual Thanksgiving game day. As a secondary augury purpose, divination was sought as to the fitness of the current student body as collective members of the greater Aggie community through history. While Bonfire continued on-campus, the Bonfire symbolized a concluding exclamation point to the annual Aggie calendar. The upperclassman Elephant Walk tradition ended at the Bonfire site, allowing all juniors and seniors to personally inspect the Bonfire monument in judgment and reflection of the current student body. On Bonfire “Burn” night, extensive and particular rituals are performed as a final and jubilant yell practice performing as another form of augury practices divining the fitness of the Aggie student body in terms of their exhibited spirit, participation and devotion to the unique Aggie moral code and hierarchy. More importantly, such yell practice performances were indicative of the team’s sporting fate, as an appropriately animated choral performance assumptively led to victory at the following football game. During the tradition’s height, the football team, coaches, yell leaders, Bonfire leadership personnel and up to 80,000 spectators each year would stand together on a cold, November night in the middle of muddy fields to observe a 3 million pound pyre burn as a final testament of communal devotion.

It could be argued attempts at hedging the divination function of the Bonfire led to the tradition’s ultimate on-campus tragedy. For decades, an underlying test embedded in the Bonfire ritual was the fire’s ability to forecast the winner of the current year’s football contest between the University of Texas and Texas A&M University. Essentially, if the burning Bonfire stack fell before midnight, the University of Texas would be victorious. If the stack fell after midnight, the

⁹⁹¹ RYKWERT, *supra* note 983, at 46.

⁹⁹² *Id.* at 54.

⁹⁹³ *Id.* at 46.

Aggies were sure to win the rival football game. After the 1994 partial collapse, structural cables were regularly affixed around the lower third of the Bonfire to bundle the logs as one massive barrel.⁹⁹⁴ In 1999, this precautionary structural detail was ultimately neglected due to the belief that such a tight configuration created a hotter, faster burning Bonfire event.⁹⁹⁵ According to the logic of 1999 Bonfire leadership, it was believed that if the cables were not affixed, the Stack would burn much longer, perhaps lasting until midnight so as to assure a win in upcoming game against the University of Texas.⁹⁹⁶

Today, the Student Bonfire organization attempts as best as possible to safely practice these mythically symbolic devotional attributes in exile. A final necessary attribute of the *templum* of ancient Roman urbanism was one of vicinity; although the *templum* was set aside from the city for functions of state and religion,⁹⁹⁷ the sacred space was to be “located in a place with an unobstructed view” of the host community.⁹⁹⁸ During the life of the Bonfire on-campus, this attribute was consistently observed. But since the 1999 collapse, the Bonfire itself has been forced miles from the campus, breaking this timeless connection of sacred communal practice from its indigenous orientation.

A second comparative example of sacred architectural practice is found in Ise, Japan, at the Grand Shinto Shrine. Here, this ancient shrine is practiced as a living structure whereby:

Every 20 years, all of the wooden shrine structures and many of the artifacts are meticulously disassembled and precisely rebuilt on adjacent lots. The massive undertaking requires funds from shrines across Japan, but the result is remarkable: an ancient shrine that’s perpetually renewed.⁹⁹⁹

Begun in the sixth century in Japan, the practice of building, disassembling and reconstructing sacred structures is considered important not only for the health of the building, but as a teaching tool in collective construction techniques.¹⁰⁰⁰ With every 20-year iteration, builders are required to take apart and reconstruct the most sacred building in their lives and community. In a similar manner, the leaders, participants and spectators of the Bonfire tradition are perpetually regenerating their own minor form of sacred practice on an annual basis. In essence, this performance of a ritualistic, labor intensive and pragmatically unnecessary construction of the

⁹⁹⁴ Final Report, *supra* note 928, at 18.

⁹⁹⁵ *Id.* at 3, 13, 18 and 25.

⁹⁹⁶ *Id.* at 25. Here it states the intentions of Bonfire leadership to hedge Bonfire’s divination function as “it was believed that cables resulted in wider interior air columns that accelerated the burning process,” therefore, cables were not used so as to elongate the Bonfire experience for spectators.

⁹⁹⁷ RYKWERT, *supra* note 983, at 46.

⁹⁹⁸ *Id.*

⁹⁹⁹ Adam Voiland, *Regarding Simplicity as a Virtue*, 143 U.S. NEWS & WORLD REPORT 19, 56 (Nov. 26, 2007).

¹⁰⁰⁰ Christopher Witcombe, *Sacred Places: Ise Shrine, Japan* (1998) <<http://witcombe.sbc.edu/sacredplaces/ise.html>>.

architectural object itself lends credence to the mythic linguistic categorization. Each year, volunteers contribute not only their time and resources, but they leave blood, sweat and significant personal sacrifice on the Bonfire grounds in furtherance of their commitment to the moral code, hierarchy and utmost necessity of Aggieland's undying collective difference.

D.3.2. Remedy with the Minor Expression

In 2002, three years after a tragedy of unparalleled proportions at Texas A&M, the collective body that sought a mainstream rebirth of the Aggie Bonfire was marginalized to such a point by the university administration that all hope was lost for any "Burn" event on campus. Two years earlier in 2000, Bonfire veterans threatened to create a public, off-campus Bonfire so as to maintain the remaining institutional memory for future generations of Bonfire volunteers. In 2002, this threat was acted upon after authoritative agents roundly rejecting any possibility of a coordinated event involving the university, Bonfire veterans, students, former students and the local community.

Although ultimately not the preferred option, Bonfire veterans expressed a personal necessity to undertake the off-campus, public renegade Bonfire in 2002 so as to avoid nearly losing "a tradition that makes A&M A&M."¹⁰⁰¹ Seen by this now off-campus minority as "a sacred, and necessary, rite of passage" for all Aggies, with Student Bonfire, these enthusiasts frustrated any underlying administrative belief that by discontinuing the on-campus Bonfire for a number of years the tradition would simply fade away. As Pamela Colloff notes in *TEXAS MONTHLY*, "at A&M, tradition never dies easily."¹⁰⁰²

With time of the essence as an entire college generation graduating in a year, and with the public at large against them in their efforts, the original organizers of the Student Bonfire set out to redeem the Bonfire in exile. Redemption seemed necessary first and foremost to prove their mettle against the collective malaise now characteristic of Aggieland since the 1999 tragedy. Further, an off-campus Bonfire became the last available option to counteract their own irrelevancy in the face of continued efforts by A&M to modernize and rightfully compete in the global research environment. Most important to this community of Bonfire enthusiasts, the Student Bonfire was necessary to rationalize and eradicate an exposed legacy of inappropriate internal leadership. Ultimately, this group banded together to carry forward the 90-year old ritual in a safe, meaningful manner acceptable to the public at large. Today, this still evolving

¹⁰⁰¹ Colloff's *Eternal Flame*, *supra* note 821, at 42.

¹⁰⁰² *Id.*

expression of the built environment continues on a plot of land located simply by the geographic coordinates: 30.744319,-96.475444.

D.3.2.1. Employment of Rhizomatic Process of Urban Development

As execution of Bonfire off-campus has a short history, the process of urban development materialized quickly once Student Bonfire emerged as the post-1999 vehicle for the tradition's future. The post-1999 Bonfire was carried forward by Bonfire enthusiasts using three very different tactical orientations. Emerging immediately after the tragedy, a tactic of investigation and design was undertaken so as to assess the appropriate construction process, if there was any, for the potentially hazardous ritual. A second tactical practice of public advocacy on behalf of Bonfire began immediately after the Bonfire Commission released its Final Report. With the assurance that an on-campus Bonfire could be performed if appropriate safety and design precautions were taken, this advocacy practice group clashed with the third and final practice group. The final group, those Bonfire enthusiasts that tactically carried forward the tradition by literally building it, utilized a "Burn Now, Ask Questions Later" attitude in terms of the dangerous Aggie ritual. Important for understanding the process by which the Student Bonfire developed their contemporary urban environment, a distinction must be made between this final tactical group's private and public exhibition of Bonfire.

Unique to Bonfire after the 1999 tragedy is that each tactic was carried out by completely different, even confrontational, bands of Bonfire enthusiasts. Before continuing, it is important to reiterate Deleuzian concepts of rhizomatic procedure:

The rhizome is altogether different, a *map and not a tracing*. ... What distinguishes the map from the tracing is that it is entirely oriented toward an experimentation in contact with the real. ... It can be drawn on a wall, conceived as a work of art, constructed as a political action or as a meditation. Perhaps one of the most important characteristics of the rhizome is that it always has multiple entryways...¹⁰⁰³

Here, as each different tactical camp was carrying out their own "experimentation in contact with the real," superficially each practice group was competing for greater communal acceptance. Even so, in the greater collective Bonfire project, each independent group unintentionally enriched each other's conception of a successful post-1999 Bonfire tradition. Unlike other minority groups led by a single figure for group equity – for example, the XIVth Dalai Lama over

¹⁰⁰³ DELEUZE & GUATTARI'S A THOUSAND PLATEAUS, *supra* note 22, at 12.

the TGIE - the rhizomatic process undertaken to realize Student Bonfire relied on a multitude of practice types executed by competing leadership figures.

D.3.2.1.1. Tactic 1: Investigation & Professional On-Campus Execution

After the 1999 tragedy, a barrage of outrage, sympathy, and outsider wonderment flooded the Aggie community as news of the collapse was an event of unprecedented proportions in terms of international coverage. Beyond the simple shock of the event, Texas A&M's administration was faced with an unknown bounty of legal liability, a monstrous moral paradox, and for each individual administrator, a threat to their own personal careers in higher education. Led from the top down, University President Ray Bowen vowed to "see this thing through" before he retired (or was fired from) his position as the head administrator.

The traditional on-campus Aggie Bonfire collapsed at 2:42 AM on November 18, 1999. Within a week's time, on November 23, 1999 Bowen announced that an independent panel of experts would be hired to review and report on the causal factors of the Bonfire tragedy.¹⁰⁰⁴ Just a few days later, a panel was selected and was dignified as the Bonfire Commission. Led by a former student of Texas A&M who operated a major general construction firm, Mr. Leo Linbeck, Jr. was announced as the primary principle on November 26, 1999.¹⁰⁰⁵ In just over five months, the Bonfire Commission delivered their Final Report on May 2, 2000.¹⁰⁰⁶ After a 45 day deliberation following the release of the report, Dr. Bowen announced the University's intention to continue an on-campus Bonfire, the first of which would burn in November of 2002.¹⁰⁰⁷ At that time, Dr. Bowen required that a laundry list of conditions be met before Bonfire could be conducted on campus again.¹⁰⁰⁸

In furtherance of this goal, the 2002 Bonfire Steering Committee was formed to investigate, plan and implement the changes necessary based on the Bonfire Commission's findings. By April 11, 2001, firms had been selected for the design, safety and construction of a 2002 Bonfire.¹⁰⁰⁹ On April 25, 2001, it was reported that the 2002 Bonfire Steering Committee had completed over 80% of the preparatory work necessary for the revival of an on-campus Bonfire.¹⁰¹⁰

¹⁰⁰⁴ *Panel will be appointed to study Bonfire collapse*, HOUSTON CHRONICLE, 17 (Nov. 23, 1999).

¹⁰⁰⁵ Eric Berger, *Linbeck to lead commission investigating Bonfire collapse*, HOUSTON CHRONICLE, 37 (Nov. 27, 1999).

¹⁰⁰⁶ Final Report, *supra* note 928.

¹⁰⁰⁷ Williams, *supra* note 942, at 21.

¹⁰⁰⁸ John W. Gonzalez & Richard Stewart, *Bonfire snuffed until 2002 - Oversight will grow, design to be reduced*, HOUSTON CHRONICLE, 1 (Jun. 17, 2000).

¹⁰⁰⁹ *Houston firms picked to plan Aggie Bonfire*, HOUSTON CHRONICLE, 27 (Apr. 12, 2001).

¹⁰¹⁰ *Revised Bonfire to include A&M students*, HOUSTON CHRONICLE, 23 (Apr. 25, 2001).

Unfortunate to those invested in these on-campus plans, by October of 2001 planning for the event began to deteriorate as the second of three professional safety consultants backed out of contract negotiations with the university.¹⁰¹¹ In spite of setbacks with soliciting professional services, the 2002 Bonfire Steering Committee moved forward and conducted a large student survey on January 16 – 18 of 2002. After surveying nearly 12,000 current students, the results prove overwhelmingly favorable for an on-campus Bonfire to be planned, constructed and burned in November.¹⁰¹²

Due to difficulties in soliciting professional services and after spending \$260,000 in planning activities, by February 4, 2002, it was announced that the university could not host an on-campus Aggie Bonfire.¹⁰¹³ Bowen delivered his speech in this manner:

My heart does not like what my brain is doing today... It would be irresponsible for me to listen to my heart when we are dealing with the safety of our students.¹⁰¹⁴

By June of 2002, Bowen had retired as University President and returned to academic instruction in the mechanical engineering department. Two months later, Dr. Gates assumed his elected role as the new president of Texas A&M University, ending all official on-campus progress towards resolving the Bonfire Problem.

D.3.2.1.2. Tactic 2: On-Campus Advocacy for University Bonfire

Building upon growing on-campus inertia of Pro-Bonfire will,¹⁰¹⁵ an organization formed in the Student Activities department to focus student advocacy in favor of making good on Bowen's promise that Bonfire would be revived and endorsed by the administration. This organization was named the Bonfire Coalition, and its mission was the following:

The Bonfire Coalition for Students wishes to work with current students and alongside university administration to build campus wide support for the return of Texas Aggie Bonfire to campus as safely and as quickly as possible.¹⁰¹⁶

¹⁰¹¹ *Houston man bows out of Bonfire job*, *supra* note 946, at 40.

¹⁰¹² Student Survey Results, *supra* note 957.

¹⁰¹³ Nissimov, *supra* note 947, at 1.

¹⁰¹⁴ *Id.* It should also be noted that Bowen specifically denied that pending litigation against the university by parents of the victims of the 1999 collapse had any impact on his decision to postpone the 2002 Bonfire. Even so, such litigation became the primary reason to further stall the Bonfire's on-campus revival once Dr. Gates became University President.

¹⁰¹⁵ Nissimov, *supra* note 947, at 1. In his report of Bowen's announcement, Nissimov notes that Pro-Bonfire leaflets were spread everywhere and student emotions were pitched heavily in favor of a return of Bonfire to campus.

¹⁰¹⁶ *The Bonfire Coalition*, *supra* note 950.

The Bonfire Coalition became an official mouthpiece for those that had not given up on a return of the tradition to the campus. In other words, these were students and former students that took Bowen on his word that the administration was serious in its proposal to safely reinstitute Bonfire based on the suggestions of the Bonfire Commission's report.

After Bowen retired and Dr. Gates' administration over Texas A&M took hold, the Bonfire Coalition continued their pressure to reestablish Bonfire on campus. Almost immediately, Dr. Gates' administrative staff disclosed what many had suspected: Bonfire could not officially return to campus until all pending lawsuits connected to the 1999 tragedy were settled, dismissed or the statute of limitations had run out. Although this had been a rumored factor in Bowen's decision to postpone Bonfire another year, it was not until the Bonfire Coalition pressed the new administration had this new, yet after fact obvious hurdle been revealed. Undeterred, the Bonfire Coalition continued its advocacy with the clear message that if Bonfire is to continue as a tradition, it should do so *on* campus for the continued safety of all participants.¹⁰¹⁷

Unfortunately for the Bonfire Coalition, the parents of the students that died in the 1999 tragedy were rightfully incensed by statutory liability limitations on all University actions. Based on state law, tort liability against the state and its institutions in Texas are limited to \$500,000, a meager amount considering the impact on the families and the potential of these young students in society. Soon after the tragedy, the families of the victims came together to petition the legislature, then the court, for equitable rights against the university.¹⁰¹⁸ In March 2001,¹⁰¹⁹ the first lawsuit was filed against the university, then more followed in October¹⁰²⁰ and November.¹⁰²¹ In a public question and answer session with the press, Dr. Gates admitted that while litigation continued against the university, any on-campus Bonfire would be a lost cause.¹⁰²²

In terms of university liability, a watershed event occurred in April 2007 as the 5th Circuit Court of Appeals found in favor of the university defendants, reaffirming an antiquated "qualified immunity" that protected the university from greater "state-created danger" tort claims of reckless negligence.¹⁰²³ In the next year, settlements between the university and plaintiffs were increasingly finding mutually satisfying terms. By October 28, 2009, all actions against the

¹⁰¹⁷ Colloff's *Eternal Flame*, *supra* note 821, at 44.

¹⁰¹⁸ *Parents want higher liability over Bonfire victim's death*, HOUSTON CHRONICLE, 50 (Nov. 23, 2000).

¹⁰¹⁹ Evan Moore & Polly Ross Hughes, *First lawsuit filed over A&M Bonfire - Mother devastated by loss of her Son*, Houston Chronicle, 29 (Mar. 30, 2001).

¹⁰²⁰ *3rd lawsuit filed over '99 collapse of A&M Bonfire - Parents sue in Tarrant County*, HOUSTON CHRONICLE, 33 (Oct. 27, 2001).

¹⁰²¹ Jane Elliott, *Families rip A&M leaders after filing Bonfire suits*, HOUSTON CHRONICLE, 21 (Nov. 20, 2001).

¹⁰²² *SUNDAY Q&A - Gates blending tradition, change at A&M*, HOUSTON CHRONICLE, 33 (Jan. 25, 2004).

¹⁰²³ *Officials' Bonfire immunity upheld*, HOUSTON CHRONICLE, 9 (Apr. 25, 2007).

university and its leaders were settled, bringing the total settlement cost paid to all plaintiffs to \$7.6 million.¹⁰²⁴ Just 21 days short of a full decade of politics and litigation, the university had already cycled out Dr. Gates as president, and seemingly with him, any hopes that Bonfire would ever return to its on-campus origins.

The Bonfire Coalition began in 2002 primarily to advocate for the return of the tradition on campus. Over the five years of its existence, it researched and published reports on the validity of Aggie Bonfire as a tradition for contemporary Aggieland. While politically pressing the administration for answers, the organization ferreted out the primary intentions and reasoning behind the university's delay in action: lawsuits. Perhaps more importantly, the Bonfire Coalition kept the on-campus community in heated discussion regarding the tradition's return, participating in open-house events, game day activities, and other service-oriented projects including the Big Event and Replant.

Each year, on-campus advocacy refreshed the collective consciousness of the fact that the Bonfire issue was not resolved, and without an administration-backed Bonfire, enthusiasts would have only an off-campus, unsanctioned option to realize their desire. By 2007, leadership in the Bonfire Coalition had either given up or joined off-campus planning as the advocacy group closed its membership due to lack of interest. Dr. Bowen's greatest worry that an unsanctioned, off-campus Bonfire would become an event that legitimately replaced the on-campus tradition had come true in only five year's time.

D.3.2.1.3. Tactic 3: Unsanctioned Off-Campus Practice

As early as September 11, 2000, Bonfire enthusiasts were planning a public, monumental off-campus Bonfire under the organizational name "Keep the Fire Burning."¹⁰²⁵ In spite of the efforts of most Aggies to publicly distance themselves from Bonfire, unknowable numbers of on- and off-campus Aggie organizations were building and burning their own renegade Bonfire's in undisclosed places all over Texas. In informal interviews taken in 2005 regarding an architectural project related to the Bonfire tradition, former on-campus residents gushed about their own renegade Bonfire experiences executed after the tragedy but before any single off-

¹⁰²⁴ Allan Turner, *A&M agrees to \$2.1 million Bonfire settlement - Agreement ends litigation against university, but other cases still active*, HOUSTON CHRONICLE, 1 (Oct. 29, 2008).

¹⁰²⁵ *Unauthorized bonfire at A&M opposed, Student leaders of last year's effort say separate event would cause pain*, HOUSTON CHRONICLE, 13 (Sep. 11, 2000).

campus Bonfire was recognized with legitimacy.¹⁰²⁶ University officials were well aware of these renegade activities, but nonetheless, had very little power in stopping them.

Many students, administrators and former students close to campus events worried that such activities would simply lead to more serious injury and death as these projects had no professional oversight and were undertaken in the same “traditional” manner as that used prior to 1999. Disconcerting to many was the general and longstanding Aggie tradition of unified communal expression, even if such expression incurs damnation, danger or unpopular sentiment. In Smith’s *The Texas Aggie Bonfire*, the author recants the originating years of Aggie Bonfire in 1909. In just one year prior to the first on-campus Bonfire:

An exhibit of this public will was the student strike of 1908. Quarrels that had for two years festered between the college president and the Corps, over limits to Corps autonomy and presidential power, erupted in a boycott of classes. ... despite support from the Board of Directors, the president was forced to resign. The Corps had exhibited its power to discipline its members and impose its will.¹⁰²⁷

In 1913, the student body again undertook major strikes against the administration, this time incurring demands by the state legislature, surrounding community and newspaper editors to suppress the student’s unified will. By that time, WWI saved the Aggies from impending suppression, giving the all-cadet Corps a new unified purpose in fighting overseas.¹⁰²⁸

Regardless, this “public will” is as much a tradition of Aggieland as Silver Taps, Bonfire, or Muster; one that has long puzzled faculty and administrators alike. Whereas in the early history of Aggieland, the future Bonfire tradition was a beneficiary of this emergent public will, today, the Bonfire is at the very heart of public dissonance between student desire and administrative precedence in campus propriety. Organized from the start as an act of open defiance, the unsanctioned, off-campus tactic of practicing a post-1999 Bonfire tradition had their first recorded Burn event in 2002.¹⁰²⁹

After Bowen’s 2002 announcement that Bonfire was on hold beyond the promised November 2002 revival, the majority of Bonfire enthusiasts gave up on reviving the tradition on campus.

¹⁰²⁶ BRADLEY E. ANGELL (Director), 10 YEARS & 9 DAYS (Post Meridiem Partners 2008). A former student leader in the Trident P-2 Company and a former resident of Northside dormitory Moses Hall both elaborated on the methods, reasoning and results of their own renegade Bonfire experiences. See minutes 01:13:00 through 01:15:45 for their testimonies.

¹⁰²⁷ Smith, *supra* note 122, at 186.

¹⁰²⁸ *Id.*

¹⁰²⁹ According to the Student Bonfire organization’s history, the first off-campus Bonfire of significance occurred in 2002 with the Unity Project. But, the HOUSTON CHRONICLE and the on-campus paper THE BATTALION both report that an unsanctioned off-campus Bonfire occurred on November 17, 2001. See Janet Elliott & Kevin Moran, *3 new lawsuits filed against A&M: students build bonfire off-campus*, HOUSTON CHRONICLE, 33 (Nov. 17, 2001).

With only months of networking and planning after Bowen's announcement, the Unity Project pulled together the majority of serious renegade Bonfire enthusiasts into a single organizational structure and performed their first public off-campus Bonfire in 2002. At the 2002 exhibition, rather than build a teepee form logs were cut and organized in the "saw varsity" symbol known widely around Aggieland. After enjoying the status and success of publically burning a bonfire, the Unity Project renamed itself the "Student Bonfire" and planned to revive the old iconic forms and organizational hierarchy off-campus. In November 2003, the Student Bonfire's first exhibition of a traditionally cut, stacked and burned Bonfire drew roughly 13,000 spectators from the community.¹⁰³⁰ With spectator turnout beyond anyone's initial expectations, in 2003 the Student Bonfire organization attained the legitimacy and status as builders of *the* post-1999 Bonfire tradition.

Immediately the worst was feared as the Student Bonfire's iteration of the traditional form looked almost *too much* like the 1999 form that killed 12 volunteers. Acknowledging the heightened intensity of public concern over their actions, Student Bonfire leadership practiced a strange tight-rope of openness and secrecy in the early years of the operation. In hindsight, it appears now that even the early Bonfire participants had taken heed to the plethora of research, reports, interviews and surveys executed on behalf of the 2002 Bonfire Steering Committee. Unfortunately between 2002 and 2005, the Student Bonfire lacked the confidence and implied a real worry that "spy" CIA tactics were being used against them by the new Gates university administration. In this three year period, Student Bonfire still appeared to be a renegade organization in spite of the institutional legitimacy gained with each passing year.

The year 2006 was a watershed year for Student Bonfire. In 2004, a professional engineer drew structural plans and submitted them to local authorities for official approval. In 2005, the Student Bonfire organization conducted the rigorous process of incorporating and gained 501(c)(3) status as a non-profit charity with the Internal Revenue Service. In 2006, after attaining authorized status with the applicable local, state and federal agencies, the Student Bonfire was granted permission to use a new "Stack" location 30 miles closer to the Texas A&M campus with the space to accommodate the parking of roughly 7,500 spectators on-site. Also, with this new location, the Student Bonfire organization could closely police and monitor participants as to the established rules of off-campus Bonfire; most importantly, they could insure absolutely no one on-site was drinking alcohol.

¹⁰³⁰ Colloff's *Eternal Flame*, *supra* note 821, at 45.

After 2006, the Student Bonfire organization opened up to the public regarding their policies, methods and intentions. Having won a large measure of confidence with a few years of success, renegade problems that plagued the organization were no longer paramount. On the previous Stack location outside Hearne, Texas, the county enjoined the Student Bonfire organization from re-burning their stack in 2005 after the original bonfire never completely extinguished due to weather conditions. In spite of organizational compliance, unaffiliated Bonfire enthusiasts lit the Stack structure again on New Years Eve, essentially committing an act of arson that forced county authorities to extinguish the fire and pursue criminal charges.¹⁰³¹

Irony in this episode is that Aggie Bonfire leadership in pre-1999 decades had to guard against outside forces, largely from University of Texas fans, pre-burning or spoiling the Stack before the scheduled “Burn” event. Today’s Student Bonfire organizers must instead guard against their own membership, preventing them from violating compliance orders handed down from county or city officials in furtherance of the health, safety and welfare of the greater community. The current location for Stack encourages internal discipline as it is closer to College Station and neighbors keep a watchful eye on the structure, occasionally on horseback (*See **FIGURE 140***).¹⁰³²

Since 2006, as the renegade tendencies of the Student Bonfire have faded and discipline has been won over by the volunteer membership, problems of logistics are the greatest problem facing the organization. When discussing the upcoming 2009 Student Bonfire “Burn” event with the current Junior Redpot Jeremy Stark, he said organizing parking, port-a-potties and security were the most difficult problem with the contemporary Bonfire exhibition. More difficult than organizing the event is the thought of turning away of expectant spectators for the “Burn” event due to a lack of parking, something that has become a common problem in recent years.

A bigger problem facing Student Bonfire is based in the weather. In its early years, the renegade version of Student Bonfire had difficulty in delaying the “Burn” event when required by the weather due to the volunteer demands to light the Stack on a particular, traditional date. After 2005’s criminal conduct regarding unruly enthusiast behavior against leadership dictates, a policy was indoctrinated to defer all weather related decisions regarding the Burn event to county authorities. Unlike the unruly expressions of the public will in 1908 and 1913 defying administrative authority, since 2006, the Student Bonfire has expressed its autonomy by

¹⁰³¹ *Renegade Aggie bonfire ignited again*, HOUSTON CHRONICLE, 4 (Jan. 3, 2006).

¹⁰³² On my 2009 survey of the field, neighbors were taking their daily ride on horseback through the Bonfire Stack site, greeting and talking with the on-site Bonfire leadership at length.

maintaining internal discipline over its volunteer collective. More importantly, as the organization is appreciated as a legitimate and worthy institution with a paramount concern for the health and safety of the community that has supported their efforts, an appreciation that will undoubtedly further the longevity and beneficial purpose of Student Bonfire. This mantra of collective discipline has even become a defining attribute of the organization:

It is important that everyone understand that under no circumstances will Student Bonfire act against a burn ban. For the safety of our surrounding community and the future of the Bonfire Tradition, we must and will exercise discipline and demonstrate sound leadership, just two of the things the Bonfire experience provides in abundance every year to generations of Aggies.¹⁰³³

Proven two years in a row, the Student Bonfire has exercised this discipline to avoid burning the massive bonfire that took volunteers months to construct. In 2010, the burn ban did not lift until well into January 2011. Requiring approximately two weeks executing all the logistical necessities for rescheduling the massive event, the 2010 Bonfire Burn did not actually occur until January 21, 2011. In 2011, well into December, the Burn event still had not occurred due to even worse drought conditions gripping the entire state of Texas. Since 2008, the scheduled Burn has featured live music, yell practice and invited speakers. Due to the fact that the Bonfire could not legally be burned at the Burn event, Bonfire enthusiasts have begun to call the scheduled Burn night the “Fightin’ Texas Aggie Not Burn,” knowing that the actual Burn will require a change in the weather, but nonetheless enjoying the Student Bonfire exhibition anyway.

Another major change approaching Aggieland is that the 117-year football rivalry with the University of Texas is coming to a sudden end as Texas A&M has joined the South Eastern Conference [hereafter “SEC”]. As the Bonfire has historically symbolized two things - first, every Aggies desire to beat the hell out of t.u., and second, the undying devotion of Aggies to their University – the discontinuation of the rivalry would seem to put a damper on the *raison d’être* of the Bonfire tradition. As observers should expect by now, the Student Bonfire is not giving up on the tradition because TAMU has changed its conference orientation.¹⁰³⁴

From an outsider’s perspective, it seems that the strict compliance with County burn bans has actually prepared the Student Bonfire collective for this historical change in the university’s athletic nomenclature. Having been forced to decouple the actual burning of the Bonfire from the rival game with the University of Texas, volunteers have been reconditioned to return to the Bonfire for an independent burning ritual completely unrelated to the football season. Today’s

¹⁰³³ *Burn Night 2011*, *supra* note 971.

¹⁰³⁴ *Id.*

Student Bonfire, in essence, has become simply a sacred annual ritual in expression of devotion to the Aggie community. Irony in this new singular focus on the devotion to community is that its expression must be undertaken in exile, utilizing an unsanctioned activity literally banned from the campus of its origin and focus.

The Student Bonfire organization today enjoys newfound success off campus. Although all Bonfire enthusiasts would delight in the return of the tradition on campus, today, the University is not nearly as necessary as it once seemed in 2002 for a safe, popular Bonfire event. Between 2003 and 2006, the Student Bonfire organization opened its leadership “inputs” to undertake a process of institutionalizing all the fixes, positive organizational suggestions, and necessary safety protocols outlined in both the Final Report of the Bonfire Commission and the research results of the 2002 Bonfire Steering Committee. Also, many of the veterans of the pre-1999 Bonfire tradition were licensed professionals, willing and excited to aid the gestating organization with legal, engineering, and human resource development.

Although many believed the fledgling Student Bonfire was simply a band of young men ignoring the tragedy of 1999, in fact, this group of volunteers worked hard to continue the heritage of the Bonfire all the while working to insure the safety of their friends. These early volunteers lost their friends to the 1999 Tragedy (See **FIGURE 131**), and to them reintroducing the practice successfully was an act of redemption, not foolish abandon. By 2006, although the act of Bonfire is still a dangerous one that requires vigilant oversight (like any other major construction project) the new Student Bonfire’s institutional safeguards, internal discipline and respect for its greater Bryan-College Station community combine to create an organization that Aggies can be proud. When I asked Jeremy Stark in 2009 if he’d like to see Bonfire come back on-campus utilizing the Student Bonfire’s new safety and design techniques, he responded with a smile on his face: “Yes, we could sure use the parking!”

D.3.2.2. Undertaking the Characteristics of a Minor Architecture

At coordinates 30.744319, -96.475444, this 44 acre parcel that hosts the Student Bonfire’s annual Stack and Burn exhibition is, upon arrival, just another rural Texas property ready for a couple dozen head of cattle and a small firing range. Without Stack, this property is simply a range dotted with unkempt storage sheds, abandoned trailers, a few oak trees and a pond that is slowly going dry. But during the Bonfire season, this property becomes the center of a century-old ritual of devotion to Aggie-ness. Hard work, camaraderie, leadership and a place where “you

make friends for life,”¹⁰³⁵ this site without an address has become a critical geographic stage for demonstrating newfound solidarity, discipline and self-defined institutional rationalization. Here, volunteers recant a common idea known on these grounds: “We didn’t build Bonfire; Bonfire built us.”¹⁰³⁶ While the majority of today’s students at Texas A&M may feel that the Bonfire tradition is outdated, or worse, unconscionable after the 1999 tragedy, roughly 1,500 volunteers work each year to harvest, build and burn an annual Bonfire that has been banned from the campus. Off-site, this minority can express their hands-on approach to communal devotion in an urban form that accommodates the unique ritual of building Aggie Bonfire.

D.3.2.2.1. Deterritorialization of the Major Design Language

To reiterate, using Kafka’s literature as an example, Deleuze & Guattari outline how Kafka first employed the major language (German) in a physical space that itself was already deterritorialized. The second phase of Deleuzian emphasis regarding deterritorialization rests on the manner in which the practitioner literally *uses* the major language. As Deleuze and Guattari argue, Kafka used the written German language to subvert its very authority in the local culture. As a writer, Kafka stretched the language’s structure and uses in such a manner so as to make it nearly unreadable, but nonetheless, ripe for minority invention for disenfranchised enunciation.

The 2009 Bonfire Stack is located on the very edge of Robertson County, adjacent to the county’s southern border with Brazos County. In Texas, county government has very limited power as the cities are responsible for most code and zoning administration. Further, Robertson County is one of the poorest counties in Texas, largely made up of rural open land and sparse economic productivity. Compared to Brazos County, Robertson pales in comparison by county expenditure, business activity and overall economic annual payroll. In 2009, Brazos County was in the top 10 percentile for receipt of state expenditures (#17 of 254 with \$1.1 billion), while Robertson County was close to the bottom quarter (#118 of 254 with \$74 million).¹⁰³⁷ Brazos County business employed 54,808 Texans in 2009, while Robertson only employed 2,469.¹⁰³⁸ Brazos County had an annual payroll of \$ 1,564,918,000 distributed by 3,754 businesses.¹⁰³⁹

¹⁰³⁵ Colloff’s *Eternal Flame*, *supra* note 821, at 42.

¹⁰³⁶ *Id.* at 45.

¹⁰³⁷ *County Summary, Ranked by Expenditures*, TEXAS COMPTROLLER OF PUBLIC ACCOUNTS (2011) <<http://www.window.state.tx.us/taxbud/expbyco09/counties/cntvrnk.html>>.

¹⁰³⁸ *2009 County Business Patterns (NAICS)*, U.S. CENSUS BUREAU (2010) <<http://censtats.census.gov/cgi-bin/cbpnaic/cbpsect.pl>>.

¹⁰³⁹ *Id.*

Robertson paled in comparison with only \$ 23,068,000 in annual payroll distributed by only 253 established businesses.¹⁰⁴⁰

The differences in lifestyle, economic development and the urban character of the two counties are dramatic. Robertson County's largest city is Hearne, a town which in the 1950's was a major cargo stopping point for the Southern Pacific trains that run through Texas. By the 1960's, that cargo was no longer necessary and the community's economic prosperity precipitously sank with a city center resembling a ghost town by the 1970's. The town faced complete economic evacuation when the town's Wal-Mart closed on New Year's Eve in 1990, one of only six Wal-Marts in the world to ever close due to poor business results.¹⁰⁴¹ Since Wal-Mart closed, Hearne never recovered from the economic destitute endemic to this county.

Having in the past half-century lived in the shadow of Brazos County's success, a success built upon the growth and regional dominance of Texas A&M University, Robertson County appeared more than willing to work with the off-campus Bonfire organizers in 2003. In fact, in 2009 Jeremy Stark conveyed in discussions as to the proactive logistical support offered by Robertson County officials in realizing the grander Bonfire project. Stark explained that for years the Robertson County officials were a source of support, wisdom, and logistical policing capacity found imperative in the early success of the off-campus event.

To most who know this area of Texas, the land Student Bonfire employs for its annual ritual is marginally useful for even cattle grazing. Although small in terms of the total Texas economy, the economic activity brought by Bonfire enthusiasts each year to Robertson County should not be underestimated. Each weekend for approximately two-months, 1,500 volunteers drive roundtrip from Brazos to Robertson County to harvest and assemble the massive Bonfire structure made of lumber that is otherwise commercially useless. In a week in November, another 7,500 spectators drive to Robertson County to watch the massive stack burn and recant a traditional oral program. Gas, food, shopping and lodging; the economic impact may seem small, but for a county at the bottom, this newfound annual boost from the exiled is important for local business and the overall moral of the county. All in all, the Student Bonfire's construction location is squarely within a geographic non-space of deterritorialization, a location that is agnostic as to (or even supportive of) the potentially political enunciations embedded in the built language of the young off-campus Bonfire tradition.

¹⁰⁴⁰ *Id.*

¹⁰⁴¹ Lisa Belkin, *Wal-Mart, Once Again, Shakes Up Texas Town*, NEW YORK TIMES (Dec. 14, 1990).

Next, an analysis is necessary as to whether the post-1999 Bonfire enthusiasts have exhibited a high coefficient of deterritorialization of the major design language of Student Bonfire. As to the regional language of construction, there is a clear difference in the linguistic approach taken by the builders of Student Bonfire. First of all, nearly all that has not been built to be burned at the ceremonial Burn exhibition was donated by volunteers, passed down over decades of use, or will be returned as soon as the event is over. The idea of design for collective ownership is altogether different at Student Bonfire, as the outbuildings that create the urban environment are clearly secondary to the massive pyre at the center of the site.

Second, other than the actual Bonfire Stack itself, all other buildings are built with imprecision, are shack-like and usually “groded” out. Groding is yet another Bonfire-based tradition of expressed volunteer devotion whereby all clothing and personal attributes are covered in filth, disorderly and weathered to a level that their displeasing appearance, smell and condition are purposeful. These practices make the multitude of shacks unattractive to outsiders and exclusively legible to their users. This intentional exclusivity is clearly expressed on each outbuilding with a myriad of “keep out” signs on each group’s shack. Considering this is the primary activity of a nonprofit corporate charity executing a plan based on professional engineering design, the Student Bonfire has deterritorialized the major design language normal to a like organization such as a local chapter of Habitat for Humanity.¹⁰⁴² Regardless of the charity chosen, it is a difficult argument to assert the Student Bonfire employs a *normal* application of the major design language executed by corporate charities in the Brazos valley, or nationally, or even on an international scale.

But, has the Student Bonfire deterritorialized the major design language of bonfires? Webster’s New World Dictionary simply defines a bonfire as “a large fire built outdoors,” a word with Middle English origins of meaning “bone fire” and later, “funeral pyre.”¹⁰⁴³ Student Bonfire is not the only major organization constructing and burning major bonfires in the world. Two others of similar scale are the Burning Man Festival of Black Rock Desert, Nevada; and the Lewes Bonfire Council, of Lewes, East Sussex, United Kingdom. Common to all three bonfire festivals, each has developed its own unique language over the decades, reconceptualizing over time to contemporize all the while maintaining a visceral connection to participants.

¹⁰⁴² The Habitat for Humanity charity is especially applicable due to its selection as the nearest “replacement” activity for the Bonfire after 1999. Many administrators and commentators believed that the construction of 10 – 15 houses for the poor could replace the labor, planning and traditional devotion held by Bonfire enthusiasts.

¹⁰⁴³ WEBSTER’S NEW WORLD DICTIONARY, *supra* note 165, at 159.

The Burning Man Festival began in 1986 on Baker Beach in San Francisco, California. As the event to burn a massive effigy grew larger and more popular each year, city authorities banned the activity in 1990 and forced the organizers to take their burn activities to an alternative location. The organizers chose the Black Rock Desert, Nevada. By 1996, hundreds of individuals were coming out to camp for approximately a week and burn the effigy at a closing ceremony.

That year, before the final pyrotechnic events could commence, a participant perished after fatally attempting a trick on a motorbike at the camp. In reaction, the following year, the camps were reorganized into a “city” block grid called Black Rock City, and all motorized vehicles were banned from the community.¹⁰⁴⁴ As the festival continued to grow in spite of the recent death, in 1997 roughly 10,000 participants arrived for the event. By 2010, the event has grown to 51,525 people.¹⁰⁴⁵ Today, the organization is a limited liability company, charges admission, and internally undertakes all major urban planning and execution for the event.¹⁰⁴⁶ Abandoning the camp form and adopting a new temporary city form was found to be the only method to safely house the exponential growth of the festival over a decade.

From 1986 until 2011, the Burning Man developed its own block-based design language based on site and festival particularities. Likewise, the Lewes Bonfire Council has developed an alternative bonfire execution method, dividing tasks between seven Bonfire Societies, the oldest of which dates back to 1853.¹⁰⁴⁷ Each society exhibits separate themed parades, alternative pyre forms and final festivities as the banded and anarchistic nature of Lewes Bonfire Council makes comparison ill-fitting to the militaristically centralized Bonfire expression practiced each year. Between 1909 and 1999, the Aggie Bonfire independently developed a major design language that coordinates all volunteers under one leadership hierarchy (again, the unified Aggie will), avoiding the divided participant bands residing in “separate but equal” camps practiced by both Burning Man and Lewes. Rather than categorize Student Bonfire with these other anomalyic bonfire rituals, it is more appropriate to compare today’s off-campus Bonfire to the iconic pre-1999 form. This uniquely local design language is at issue in judging the deterritorialization of expression exhibited by the contemporary Student Bonfire organization.

¹⁰⁴⁴ ANGELL, *supra* note 1026. For this film project, Black Rock City architect Rod Garrett was interviewed at length.

¹⁰⁴⁵ *Afterburn Report 2010*, BURNING MAN (2010) <<http://afterburn.burningman.com/10/>>.

¹⁰⁴⁶ *Organizational Structure*, BURNING MAN (2010) <<http://www.burningman.com/whatisburningman/organization/index.html>>.

¹⁰⁴⁷ *Cliffe Bonfire Society*, LEWES BONFIRE COUNCIL (2011) <<http://www.lewesbonfirecouncil.org.uk/societies/cbs/index.html>>. The Lewes Borough Bonfire Society was also started in 1853.

Bonfire began as simply a pile of wood and trash used to get rid of trash building on campus and to warm the final pep rally of the year in November. From 1909 until 1942, although the Bonfire became increasingly larger and organized for execution, it did not entail any actual harvesting of local lumber. In 1943, as the Bonfire would be filmed in the Hollywood film “We’ve Never Been Licked,” logs were cut and included in the Stack so as to provide a more photogenic backdrop for the film. After 1943, harvesting logs became a major integral part of the Bonfire ritual. From 1943 until the early 1960s, the Bonfire continued each year, but only at a height of the tallest harvested trees as the lumber was stacked in a tee-pee method with each log resting directly on the ground. At some point in the mid-1960s, students began to stack and tie multiple tiers of log on top of each other, dramatically increasing both the breadth and height of the Bonfire structure. The tallest Bonfire was built in 1969, measuring at 109 feet and with an enormous diameter to structurally support the high stack of logs.

After 1969’s Bonfire, the Texas A&M administration placed height and radial limitations on the Bonfire that were loosely followed by Bonfire builders. A new structural form gestated over the years from 1969 until 1981, leading to the wedding-cake, tiered structure recognized today as the Aggie Bonfire. In following with the guidelines set by the administration, the upper tiers of the Bonfire grew with each year’s log harvest. This complicated structural form, a diminished institutional memory and the lack of professional oversight created a dangerous situation for Bonfire builders, circumstances that led to the tragedy of 1999.

After the tragedy, if the Bonfire was to return to campus in 2002, for liability purposes the Texas A&M administration was planning to outsource practically all aspects of construction to professional contractors. Reflecting the general unease individuals had regarding outsourcing the proposed post-1999 on-campus Bonfire, a Texas A&M staff member stated in June of 2000: “I could build something out of Popsicle sticks, but that ain’t gonna make it Bonfire.”

According to administration requirements in June 2000, design, specifications, and safety oversight would have been undertaken by design professionals. Telling of the scale this project in market terms, an early contender for this role was the international mega-firm Turner Construction.¹⁰⁴⁸ Further, university oversight would have been greatly expanded with a staff of construction experts insuring the professionally established safety protocols were followed by on-site volunteers. Especially upsetting to the Bonfire enthusiasts, students would not cut a stick of timber as all lumber would be harvested and delivered by a professional contractor. Further,

¹⁰⁴⁸ *New York firm hired to advise on bonfire*, HOUSTON CHRONICLE, 18 (Nov. 13, 2001).

student leadership would break from past, arguably misaligned processes of traditional “pass-down” methods, instead insuring a much more inclusive candidate selection process. Any future on-campus Bonfire would be built within a two-week period, performing during daylight hours only. Finally, the Stack site would have professional security, fencing and cameras installed so as to keep tight control over the Bonfire activities. After each annual Bonfire, a team of professional experts would conduct a compliance review of the project for administrative controls.¹⁰⁴⁹

Regardless of these fundamental changes to the Bonfire tradition, in light of the recent deaths from the 1999 tragedy, Bonfire enthusiasts complied with the stated administrative controls on the post-1999 Bonfire proposed. As Bob Strawser of the Faculty Senate put it at the time: “I think the students will accept it... they really don't have a choice.”¹⁰⁵⁰ Even though these proposed plans for a revived on-campus Bonfire were never realized, they illuminate an appropriate method of Aggie Bonfire construction offered by experts and professionals working within the framework of contemporary globalization.

After the 2002 Bonfire planned for an on-campus revival was canceled, that minority of Bonfire enthusiasts who could not rest without carrying forward the Bonfire tradition to the next generation¹⁰⁵¹ of Texas Aggies, again, felt they really did not have a choice. The Bonfire had to be cut, stacked and burned off-campus to pass down the knowledge, customs and spirit accumulated over nearly a century of practice. As discussed previously, the first public off-campus “renegade” Bonfire was cut and stacked into three massive one-dimensional shapes to create a referential form replicating the University of Texas’s mascot Longhorn with its horns “sawed off.”¹⁰⁵² After this initial figurative gesture, the off-campus Bonfire returned to an aesthetically similar iconic form, one that matched visually to that of the on-campus Bonfires practiced from the mid-1980s until the collapse of 1999. At first glance, the post-1999 Bonfire as performed by the Student Bonfire organization did not appear to deterritorialize the major design language of Aggie Bonfire it inherited. In spite of such superficial indications, according to the design, communication and methods of construction, the Student Bonfire has redefined the design language away from “traditional” notions into a new realm of internally-defined rational policy, oversight and professionalism.

¹⁰⁴⁹ Gonzalez & Stewart, *supra* note 1088, at 1.

¹⁰⁵⁰ *Id.*

¹⁰⁵¹ A generation according to Bonfire enthusiasts is only roughly four years, according to the normal freshman to senior progression of college matriculation.

¹⁰⁵² This logo has its contemporary origins in the Texas Aggie War Hymn, whereby the lyrics call for the Aggie team to “saw varsity’s horns off.”

Tradition is defined as “the handing down orally of stories, beliefs, customs, etc. from generation to generation.”¹⁰⁵³ In the pre-1999 time of Bonfire, this *oral* method of instruction was paramount in the execution of the massive pyre, whereas only after the 1994 injury-free collapse did a written “Bonfire Safety Manual” emerge for the appropriate organization of Bonfire volunteers. Since the oral methods of design and construction were seen as the greatest weakness in the 1999 Bonfire execution, this integral component in the very definition of “tradition” was thereafter replaced with professional design, specifications and written policy to be uniformly followed by the organizers of the off-campus Bonfire.

As discussed previously, the off-campus Bonfire enthusiasts undertook a reflexive modernization of the Bonfire tradition. Where in the past there were traditions in place to safeguard both workers and spectators, today, there are details written and submitted by engineering standards to local authorities for review. Whereby in the past volunteers were assumed to have been adequately trained by traditional methods of peer instruction per on-campus dorm affiliation for safe lumber harvesting and stack, today, each member is required to take a Cut class that institutionally covers the safety necessities on an individual basis. A close census is taken at each “Cut” and “Stack” event to insure volunteers have taken this class, logistically overseen by a whole new class of Bonfire leadership dignified as Green Pots. Further, as the current location can be adequately policed in its exile location, *written* behavioral policies that include a strict alcohol prohibition are enforced by all Student Bonfire leadership and volunteers on-site.¹⁰⁵⁴

Employing the usual “duck”¹⁰⁵⁵ metaphor, here, although the Student Bonfire “looks” like the Bonfire of traditional form from before 1999, it does not “walk” or “talk” like the pre-1999 Bonfire that was practiced on-campus. Student Bonfire has essentially taken what was an oral tradition and institutionalized appropriate methods according to the investigation, research and parameters set after the tragedy by the 2002 Bonfire Steering Committee. Design plans, specifications and safety protocols have been outlined by professionals and are strictly followed by Student Bonfire volunteers. Based on the engineering methods employed in the communications and power distribution industry, dimensions for the contemporary Student Bonfire are in alignment with the 2002 Bonfire Steering Committee’s strict height restriction of 45 feet. Further, Dr. Bowen’s suggested three-tier wedding-cake assembly of logs has been

¹⁰⁵³ WEBSTER’S NEW WORLD DICTIONARY, *supra* note 165, at 1417.

¹⁰⁵⁴ Telling of the reflexive nature of contemporary Student Bonfire, most policies, courses and reasoning behind leadership decision-making are posted on the Student Bonfire website <<http://www.studentbonfire.com/>>, as well as daily updates on the social networking website Facebook <<https://www.facebook.com/studentbonfire>>.

¹⁰⁵⁵ The “duck” metaphor referred to here is the adage that reads: “If it looks like a duck, walks like a duck and sounds like a duck, it is a duck.”

executed as would have been required on-campus, whereby every log in the Bonfire has a footing on the ground surface.¹⁰⁵⁶

Telling of the new openness endemic to the young off-campus organization, county officials are invited to perform whatever oversight they decide is appropriate so as to assure the greatest safety of county residents. Although on the surface Student Bonfire leadership is still ritually indicated with the traditional “passing of the pots” method, as Student Bonfire organization is now a corporate entity, ultimate corporate leadership and execution is governed by the laws of Texas and rationally outlined in the founding corporate documents including the articles of incorporation and corporate bylaws. Also, issues of security have now been addressed with a property that is gated, well lit, closely watched by the local neighbors, and open at all times to county officials. After each year’s exhibition, Student Bonfire staff members undertake a regular compliance evaluation, including data sets of log harvests, injuries, financial accounting, and the total number of volunteers and spectators.

Ultimately, as the former renegade organization has accepted the majority of findings and suggestions proposed by the University administration, today the Student Bonfire organization invites the Texas A&M administration to review, comment or participate in the now established off-campus exhibition. Diverting from the prescribed administration policy for the unrealized on-campus 2002 Bonfire, Student Bonfire volunteers (composed largely of current students) still harvest all the timber necessary for the Bonfire stack. Further, these enthusiasts continue to work long hours in shifts after nightfall during the final “Push” as essentially all labor is performed by volunteers, whereas only highest oversight and design documents have been performed by professional services.

Beyond the *image* of a pre-1999 Bonfire, the new Student Bonfire exhibition has a wholly new rationalized process to realize what was formerly a product of oral tradition. Fortuitously implementing the mountain of research conducted by the Texas A&M administration, this renegade organization has turned, well, almost *rational*. Granted the Bonfire tradition still incites a bewildered wonderment in those not native to Aggieland, this crazy, paradoxical activity is now practiced in the safest, most transparent fashion imaginable so as to insure the tragedy of

¹⁰⁵⁶ Nissimov, *supra* note 947, at 1. Nissimov’s article reports that “To try to keep some of the tradition intact, Bowen agreed that students should be allowed to construct future Bonfires under professional supervision. The proposed 2002 Bonfire would have been a 45-foot-tall, three-tier wedding cake design.” The Student Bonfire website reads: “Today’s Bonfire is forty-five feet from grade to the top of the outhouse, and will never increase in height.” See *About Student Bonfire*, *supra* note 119.

1999 never happens again. In doing so, the Student Bonfire organizers have overtly deterritorialized the major design language of the pre-1999 on-campus Aggie Bonfire.

D.3.2.2.2. Connection of Individual to Political Immediacy

The Bonfire tradition continues as a banned event from the Texas A&M University campus, and all affiliation by on-campus organizations with the Student Bonfire is officially forbidden. Although the Student Bonfire organization continues to be categorized in accordance with the dormitory structure on campus, this orientation is not directly coordinated with campus administration, but rather, is managed in a voluntary, strict non-association manner with the university. On campus the actions of the off-campus Student Bonfire are still discussed with a mixture of enthusiasm, disdain, and aloofness. While it existed on campus, Bonfire was already an increasingly political issue. Today, the political nature of the century-old tradition has diminished on-campus, but the seriousness of the annual ritual weighs heavy on the “Cut” and “Stack” sites. On these sites where Bonfire still exists, there is an ever-present burden placed on Bonfire leaders concerning the legacy of past mistakes and knowledge that undisciplined execution could result in fatalities.

Roughly 100 miles from the annual Stack site is the City of Lockhart, where Rowe and Hejduk formulated their initial approximation of a minor urban practice. In Lockhart, Rowe and Hejduk argued that the lessons of a political-urban merger afford visitors an opportunity to express their will in the “dispute between medieval and liberal visions of society and politics.”¹⁰⁵⁷ On the site of Bonfire, volunteers have an opportunity to express a unique non-liberal approach to community. While working the tradition, participants wear a common uniform that includes leather work boots, a pot (military surplus hard-hat), long pants, gloves, and unwashed grodes. “Groding” is simply the act of not washing the wear, sweat and blood from Bonfire-oriented objects, including the human body. Personal grodes are the clothes worn to the Bonfire site, and by tradition, should *smell* of the memories made on site. Since the institutionalization of the Student Bonfire, working volunteers must carry both a state-issued identification card (usually driver’s license) and a Cut Card. The Cut Card is issued upon the successful completion of Cut Class, a safety course required annually of all Bonfire volunteers.

With the towering Stack at the center of this jimmy-rigged urban village, each individual is connected to the greater political immediacy of Student Bonfire as a card-carrying minority who

¹⁰⁵⁷ Somol, *supra* note 12, at 791.

believes that Bonfire should not be judged by the tradition's worst hour. Rather, this group reiterates the smells, practices, and urban spaces not only for their own collective gain, but as a living memorial to those who have died in practice through the history of the tradition. As the word 'bonfire' has always had a sacred connection to the burning of martyrs, pyres, and literally "bone fires," Student Bonfire participants are grasping for a collective spiritual connection that has been literally designed out of the rational world.

Like Lockhart in the 1950's, volunteers are unconsciously advancing a medieval "in-between" vision of society that resists the liberal program advanced by globalization, a program now holding sway over the current campus. In Aggieland, although this tradition was almost lost a small contingency of enthusiasts re-enact the annual practice with full knowledge it could undermine the greater regional hopes of attaining global research prestige and international acceptance. In spite of the university's focus on international status, this cadre of Aggie revelers continues to build and burn the Bonfire in the hopes the practice keeps their unique heritage intact, hoping it unites the Aggie family at least for a little while each November.¹⁰⁵⁸

D.3.2.2.3. Collective Enunciation of Disenfranchised Community

The Aggie Bonfire and its enthusiast contingency were banned from their place of origins in 1999 following a tragedy that killed 12 volunteers. Hoping to return on-campus by 2002 under a modified program and organizational structure, those hopes were dashed in that very year after the Texas A&M administration delayed indefinitely the community's expression due to design complications and pending litigation. In 2002, the first renegade event occurred to regroup and begin again as an exiled group. Since 2002, this exiled group has only grown in numbers and sophistication, today building Bonfire as a non-profit corporate organization in Robertson County.

This community has only one uniform statement to enunciate: the Bonfire tradition should continue by practice. In 2003, adopting a "burn first, ask questions later" approach to early organizational innovation, the Student Bonfire over its years of experience has successfully updated, innovated and thus far safely continued the monstrous feat of building a massive pyre each year with all volunteered funds, goods, labor and equipment. Each year, the Student Bonfire reiterates this collective enunciation of Bonfire practice, and continues to offer Aggieland a growing opportunity to connect to its rich, strange history.

¹⁰⁵⁸ Colloff's *Eternal Flame*, *supra* note 821, at 45.

D.3.3. A Home for the Marginalized Population

Deleuze and Guattari discuss in *KAFKA* that “an assemblage ... has two sides: it is a collective assemblage of enunciation; it is a machinic assemblage of desire.”¹⁰⁵⁹ Most important to the marginalized producer is that the assemblage is an expression of the “home” for the minority community, constructed from “decoded fragments of all kinds.”¹⁰⁶⁰ The Stack site of the Student Bonfire has become the exile home for this minority community, marked first and foremost by the collection of Bonfire-specific objects of the built environment. Between 1999 and 2003, the trailers, shacks, tractors, equipment and totemic objects specifically created and carried forward over decades in furtherance of the Bonfire tradition were temporarily lost and stored in various locations across Texas as their rightful owners had no other use for beyond Bonfire. Once the Student Bonfire organization became *the* public “renegade” organization created to reunite the Bonfire community off the Texas A&M campus, these artifacts came out of storage and re-assembled under the care of the off-campus enthusiasts. Other than the bonfire structure itself, the white semi-truck trailer painted AGGIE BONFIRE in bold, maroon letters is an icon of the contemporary Bonfire tradition since the 1980’s. Its newfound place with the Student Bonfire organization is, in itself, a clear declaration that this minority community has found a home in Robertson County.

A second important indication that the Student Bonfire now acts as the home to this minority community is the organization’s endeavor to collect and continue the practices of the Bonfire tradition as best as possible under post-1999 conditions. Although today’s Bonfire structure is professionally planned and reviewed by local agency authorities, in large part, the plans as drawn and executed are a rationalized approximation of the best oral practices collected from decades of Bonfire construction on campus. Will Wilkinson, although today is an engineer licensed in the State of Texas, is also a veteran of the on-campus tradition. In his efforts to professionally institutionalize the tradition so as to make it a safe, he inherently has an opportunity to record key physical aspects of the tradition for future generations. Student Bonfire as an organization spurred this recordation and is now the final authority in executing its specifications.

Student Bonfire has provided a physical venue for Bonfire enthusiasts to continue an on-campus tradition that has now been banned from its physical origins. Northside dormitories, Southside dormitories and the Corps of Cadets have collectively provided the human labor for the construction of this annual ritual throughout its changing role on campus. Each dorm, outfit and

¹⁰⁵⁹ DELEUZE & GUATTARI’S *KAFKA*, *supra* note 29, at 81.

¹⁰⁶⁰ DELEUZE & GUATTARI’S *A THOUSAND PLATEAUS*, *supra* note 22, at 502.

organization that participated in the on-campus Bonfire tradition had for years, developed unique social networks and rites of passage. Once the Bonfire was banned, these social ties and activities loss their platform for execution, thereby voiding a significant space for expressing their devotion or Aggie-ness to other community members.

In reaction, so as to preserve this marginalized aspect of dorm culture, as discussed previously many organizations created their own secret renegade Bonfires. In 2002, with a large, public renegade exhibition, the Student Bonfire once again reconnected the dissolved haphazard and secret network, thereby retroactively enlivening the pre-1999 on-campus networks and their micro-social rituals in furtherance of the greater off-campus Bonfire project. In essence, Student Bonfire has reactivated the on-campus social network by allowing a place for Walton Hall to “Load,”¹⁰⁶¹ for the Corps units to prove they are the “keepers of the spirit,” and for each crew to add its own “dorm log”¹⁰⁶² to the base of the massive complete Stack. Student Bonfire has given a home for the objects, the practices, and most importantly, the volunteers themselves to continue their rituals since these traditions have been prohibited on the Texas A&M campus.

D.3.3.1. Balancing the Tetravalent Condition of the Assemblage

As discussed in Deleuzean terms, the assemblage acts as specific micro-strata within the greater stratum, one that is expressing its own re-coding over the real historic, social and political landscape from within. The Student Bonfire has been allotted a 44 acre plot of near-worthless land on the fringes of Robertson County. On this site, the tetravalent condition of the potential Student Bonfire assemblage provides content all the while expressing a greater collective desire, establishes a territorial presence all the while performing its mission as a product of active cultural deterritorialization.

D.3.3.1.1. Content *and* Expression

Miles away from the main campus of Texas A&M, the Student Bonfire provides the content expected of an annual Bonfire ritual. Various shacks are scattered in a half-moon radial form, gradually veering away from the massive focus of the entire site: Bonfire Stack. Here, there is the expectant range-based “serial shack” organization housing all the necessities of such a project from the weather, vandals and neglect. In contrast, the Student Bonfire enterprise by those who

¹⁰⁶¹ *A new place to hang your hat: Dorms provide students with both good and bad experiences*, THE BATTALION, (Sep. 2, 2002).

¹⁰⁶² Moghe, *supra* note 120.

participate is understood to be a hold-over maneuver between the 1999 banishment and a future, unknown date when the Bonfire enthusiasts have proven to the Texas A&M administration that the Bonfire tradition should return to campus. So here, following this substantive axis of assemblage, in the act of doing, building, burning Bonfire year after year, this collective of die-hard Aggies is expressing their devotion and deep desire to return to campus as a safe, constructive and culturally appropriate member of the Texas A&M community, redeeming the Bonfire as a healthy portion of the storied Aggie heritage.

D.3.3.1.2. Territorial *and* a Product of Deterritorialization

As to the place-based axis of the assemblage, after Bonfire enthusiasts were denied a redefined Bonfire revival on campus, their collective endeavors were essentially disenfranchised from their home origins. As discussed before, the objects, practices and social networks accumulated over decades were without a territory, or deterritorialized. Without a home, these products of the on-campus Aggie Bonfire culture were stored, lost and had private use at renegade exhibitions. Between 1999 and 2002, these products were without territory.

In 2003, the products began to collect with a new territorial exile home in Robertson County. By 2006, an established Stack location was secured on a relatively permanent basis, allowing a newfound pocket of rural countryside to act as host to the trailers, shacks, hundreds of groded volunteers a common ground to redefine their sacred rituals in a new, post-1999 fashion. Although the Polo Fields of the Texas A&M campus (the site of the 1999 Bonfire collapse) is now a place of tragedy, years later the hard-to-navigate countryside of Robertson County has become home to a territorial exception for Bonfire enthusiasts to contemporize their sacred tradition.

D.3.3.2. Decoding of Territory for Equity

Aggie Bonfire existed on campus for ten years short of a century. On the tradition's centennial, ceremonies were abundant as the anniversary coincided with the 10-year anniversary of the 1999 Bonfire collapse. Strangely, although there was a beautiful new memorial on campus, an abundance of nostalgic speakers, and critical academic discussion as to the role of Bonfire on a contemporary campus, the numbers arriving at these events were well below expectations. Although it was expected the massive Reed Arena might be filled with upwards of 10,000 spectators, only 4,000 arrived for the ceremony. Other events were light, underwhelming the speakers that arrived from all over the nation. Subverting the entire remembrance sequence was

the growing off-campus Bonfire, a project that was only two weeks from completion.¹⁰⁶³ Reverently excited, the Student Bonfire volunteers were nervously energized at the opportunity to dedicate their own memorial to those that died 10 years after Bonfire's worst moment.

Although the tragedy and subsequent acts to revive the Aggie Bonfire brought an almost unbearable focus on the tradition, it is important to reverse the lens back onto the emergent dominant culture impacting Aggieland. At the heart of Deleuzian philosophy, although eternally difficult to perform is the motivation to decode the strata, to enable a newfound understanding of the social construct viewed from barren sobriety. As the Student Bonfire was forced to set out on its own without resources or the support of an administration that promised to revive their most sacred tradition, the organization's endeavors highlighted, or rather decoded, the actions of the dominant culture's administrative actors. Jake Silverstein of TEXAS MONTHLY alludes to this fact with a quote from November 2009:

Every story about Texas A&M is a story about tradition versus change. In this way it is the most Texan of all our schools. Not because its particular customs are so emblematic of the state... but because a similar struggle between mythic heritage and contemporary reality has defined Texas throughout the decades.¹⁰⁶⁴

Taken at face value that Aggieland is "the most Texan of all our schools," the University of Texas is clearly right with their Aggie brethren in the fight against the homogenizing impact of our contemporary reality. Immediately after the Bonfire tragedy, although most Aggies feared their century-old rival would relish in the Aggie's unspeakable pain, in fact, the Aggies found their greatest comfort under the rhetorical protection of the Longhorns as the long-time rival became the most outspoken defender against widespread criticism. Without explanation, the Longhorns understood this strangest of traditions that had been aimed at their school since at least 1919.¹⁰⁶⁵

No less than six articles were written in the HOUSTON CHRONICLE a week after the 1999 Bonfire tragedy, outlining how the relationship between these two rivals had forever changed after the Bonfire collapse.¹⁰⁶⁶ Strangely, in no less than 13 years from the tragedy, the rivalry is all but

¹⁰⁶³ Roy Bragg, *Aggies honor Bonfire tragedy victims*, HOUSTON CHRONICLE (Nov. 17, 2009).

¹⁰⁶⁴ Silverstein, *supra* note 836, at 28.

¹⁰⁶⁵ Smith, *supra* note 122, at 187. Although the two teams have played each other since 1894, the institutionalization of the UT vs. A&M rivalry did not occur until 1919 when the game became an annual Thanksgiving ritual.

¹⁰⁶⁶ See Alan Bernstein, *Tragedy amid tradition / Aggie Bonfire holds distinction as Texas symbol / 'Flame of love' has burned since 1909*, HOUSTON CHRONICLE, 26 (Nov. 19, 1999). See also Mike McDaniel & Ann Hodges, *Coverage of A&M Bonfire tragedy grabs full attention of TV stations*, HOUSTON CHRONICLE, 20 (Nov. 19, 1999). See also David Barron, *Tragedy overrides game*, HOUSTON CHRONICLE, 7 (Nov. 22, 1999). See also Mickey Herskowitz, *Absence of Malice / There's Hope That Maybe We Really Can All Get Along*, HOUSTON CHRONICLE, 1 (Nov. 25, 1999). See also Neil Hohlfeld, *Absence Of Malice / In wake of tragedy, UT-A&M rivalry gains dignified air*, HOUSTON CHRONICLE, 1

over as Texas A&M University leaves the Big XII Conference for the Southeastern Conference. The earliest possible date the University of Texas and Texas A&M could meet again on the football field is 2019.¹⁰⁶⁷ Mickey Herskowitz begins an article about the end of the rivalry with a recollection of the UT vs. A&M game of 1999, a game that commenced just days after the tragedy:

The week before Thanksgiving, in 1999, the Texas A&M Aggies and the Texas Longhorns bonded in a way they had never done before and never could again. ... The visible sympathy of the Texas players and students had been a healing touch.¹⁰⁶⁸

Later in the article, after the author discusses the differences that created such a great rivalry, Herskowitz observes that:

Much of those divisions are gone now. As the state's complexion morphed from rural to urban, the schools' student bodies began to homogenize. At no point have the students at the schools shared more in common than they do today.¹⁰⁶⁹

To the point, the Aggies know today that it is not the patrons of the University of Texas that hold their beloved University behind. Any diminished capacity experienced by the Texas A&M community is only a fault of their own mismanagement, error or worse yet, lack of creative enthusiasm. In review of reams of reports on the institutional culture of Aggieland written after the Bonfire tragedy, the basic finding is that in 1999 there were university-scale systemic problems with communication, responsibility and organizational culture. Important here is the realization that after 1999, the University of Texas is no longer a dominant opponent that continues to compete against A&M success, but rather, a great ally in dealing with globalization and its homogenizing impact on Texas's two flagship universities.

After the tragedy, it appears that the Texas A&M administration had no real concept of how to realistically handle the desire of the Bonfire enthusiasts. Further, although Aggie alumni have literally designed and built the tallest buildings of the world,¹⁰⁷⁰ the administration and construction-industry could not come together and conceive of a method to build a four-story log stack safely. After delaying the on-campus revival due to "safety issues," in fact, it was the

(Nov. 25, 1999). See also David Barron & John Williams, *A game of respect / With emotions sky high, Aggies prevail over Horns*, HOUSTON CHRONICLE, 1 (Nov. 27, 1999).

¹⁰⁶⁷ To a lifetime fan of this specific game, the thought that A&M and UT will not play again until 2019 sounds like the beginning of a science fiction novel. To many in and from Texas, it is simply unbelievable.

¹⁰⁶⁸ Mickey Herskowitz, *Bitter Texas – Texas A&M rivalry prepared for a sudden ending*, SPORTS ILLUSTRATED (Nov. 23, 2011) <http://sportsillustrated.cnn.com/2011/writers/the_bonus/11/22/am.texas.rivalry/index.html>.

¹⁰⁶⁹ *Id.*

¹⁰⁷⁰ Adrian Smith, literally the designer of the tallest buildings of the world including the Burj Khalifa in Dubai, is a Texas A&M University alumnus. Smith studied architecture at Texas A&M from 1962 until 1966 before he went to work at Skidmore, Owings & Merrill.

eternal threat of further liability that held the University back from creating a forum for this Bonfire enthusiasm to be released.

These actions by the University are unfortunate. Even at the time of the 2002 announcement, renegade bonfires were occurring with unknown numbers and with a growing appetite for a *real* Bonfire. Essentially externalizing and privatizing the tradition to the off-campus unsanctioned organization, the administration risked further grave harm on its own students by avoiding responsibility and oversight in regard to the inevitable project. After 1999, this sacred ritual that had long brought potential students and alumni money to the campus became a nuisance to the administration. Exhibiting a weakness of leadership, rather than address this nuisance directly the university simply elected to off-site the problem and further neglect the desire of the community until another Bonfire enthusiast likely died, or more unlikely, the off-campus movement could work out all the details of a new, redeemed Bonfire exhibition. Beyond anyone's expectations, the Student Bonfire organization has done the latter, rationalizing the Bonfire tradition back to a status of respectable enterprise.

Larry Grosse, the former volunteer advisor to Aggie Bonfire when it was on campus, stated that he enjoyed advising the students building Bonfire because:

Bonfire was a great learning tool. Students got to oversee a true construction project. They had a budget, workers, materials, and a timetable that they had to stick to. Obviously Bonfire had to be finished before the game.¹⁰⁷¹

The Student Bonfire has, at least in written purpose, returned to this basic construction management mission that Grosse so enjoyed about the tradition:

Student Bonfire seeks to teach participants unity, hard work, leadership and camaraderie through the safe continuation of a timeless tradition. ... For obvious reasons, safety has become the most important part of Bonfire. From Cut-Class (where we cover safe Bonfire practices from A to Z), to experienced construction management, to our zero tolerance drug and alcohol policy, safety is the highest priority in everything we do.¹⁰⁷²

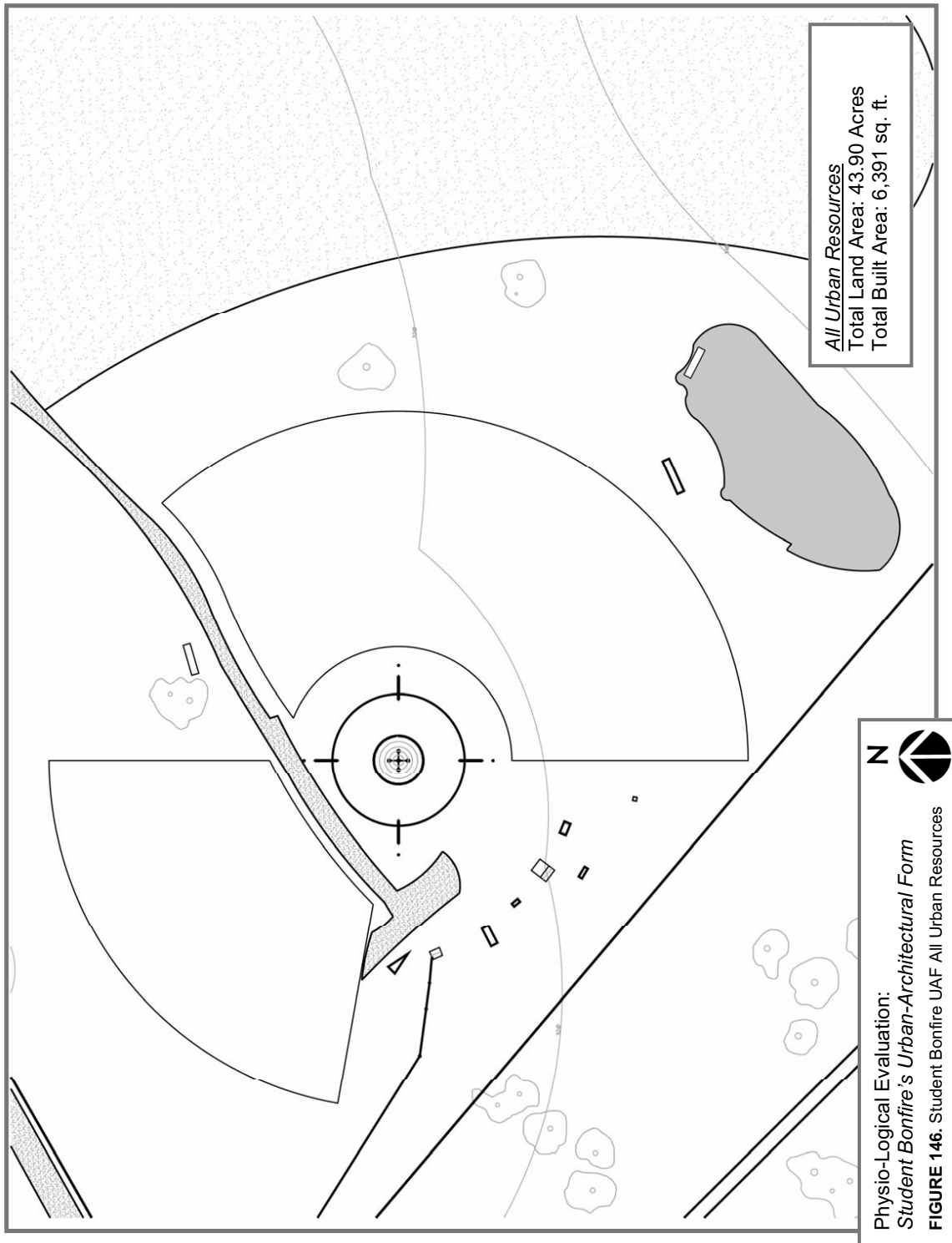
In the end, the Student Bonfire has simply by existing, decoded a series of questions concerning equity in the Texas A&M community. First, in spite of arguments to the contrary made by the Texas A&M administration, a student-led, student-run Bonfire project that has adequate professional and agency oversight can be performed safely. Second, as the Bonfire Commission alluded in its Final Report of May 2000, the on-campus Bonfire ritual clearly outgrew its

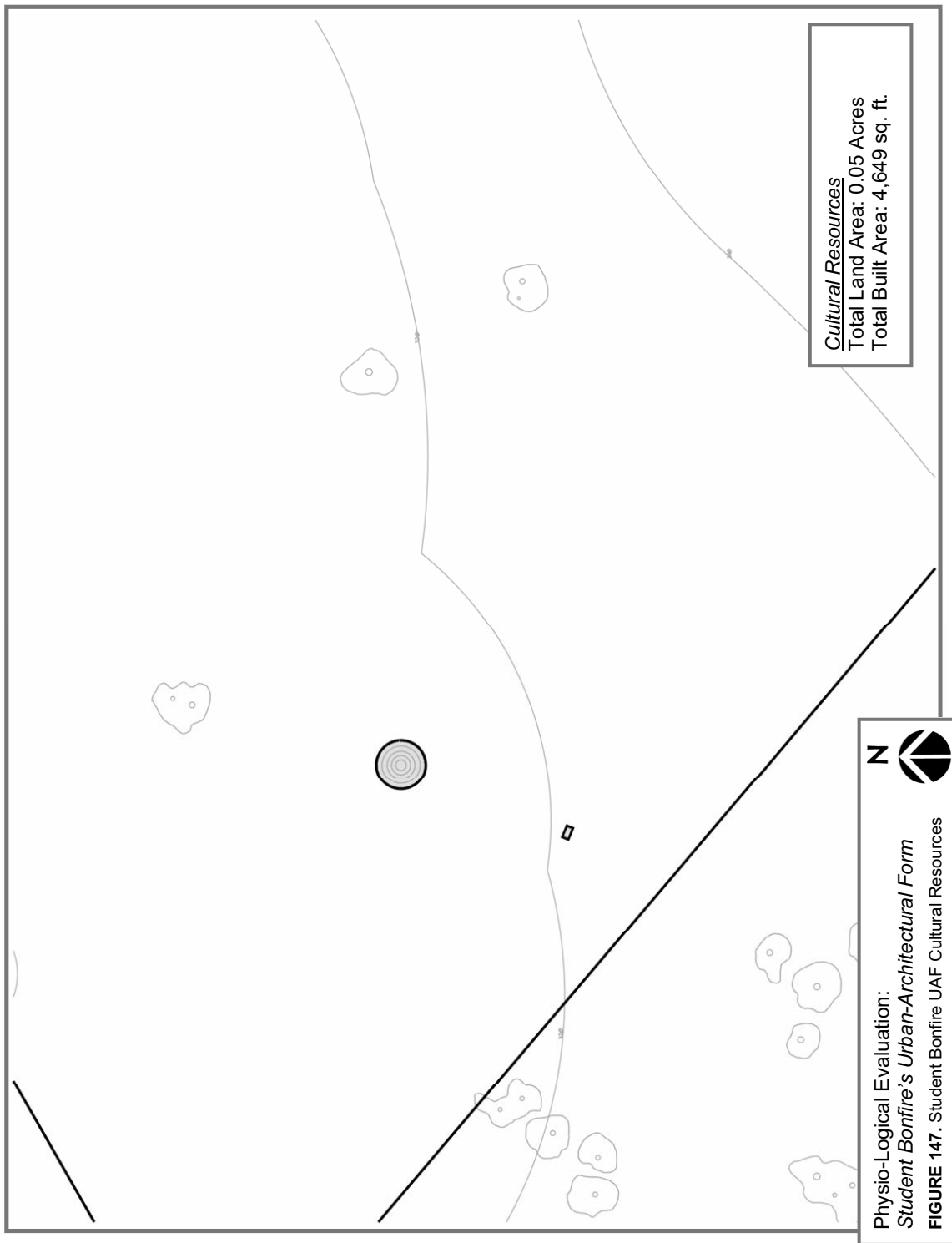
¹⁰⁷¹ Colloff's *Ring of Fire*, *supra* note 829, at 173.

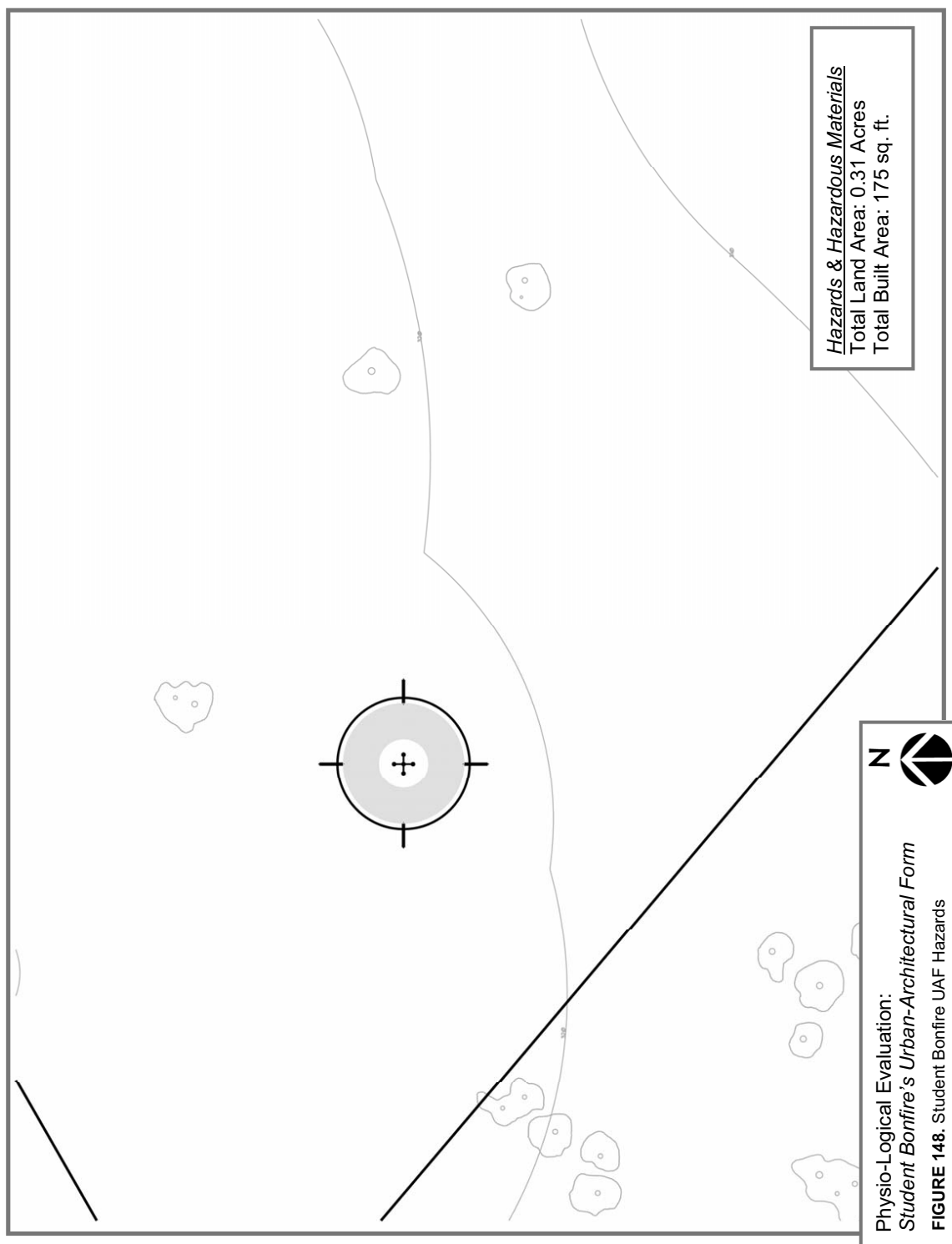
¹⁰⁷² *About Student Bonfire*, *supra* note 119.

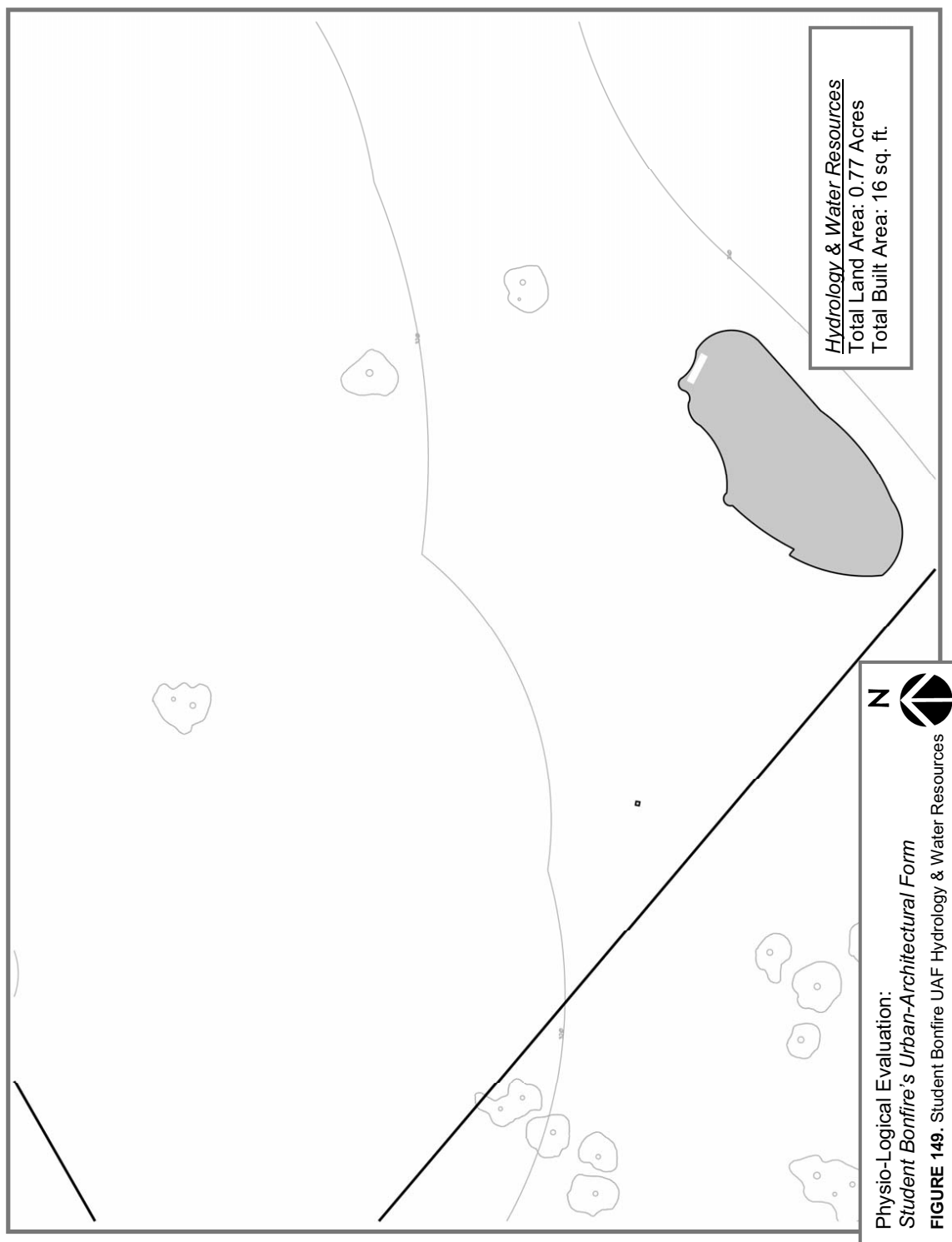
ancillary and limited “spirit” role on campus at some point in the 1960s. Today’s Student Bonfire organization exhibits the advanced leadership and administrative structure necessary to perform such a massive project each year, as the non-profit corporation safely utilizes volunteered labor, supplies and equipment in furtherance of a single goal of building a contemporary Aggie Bonfire.

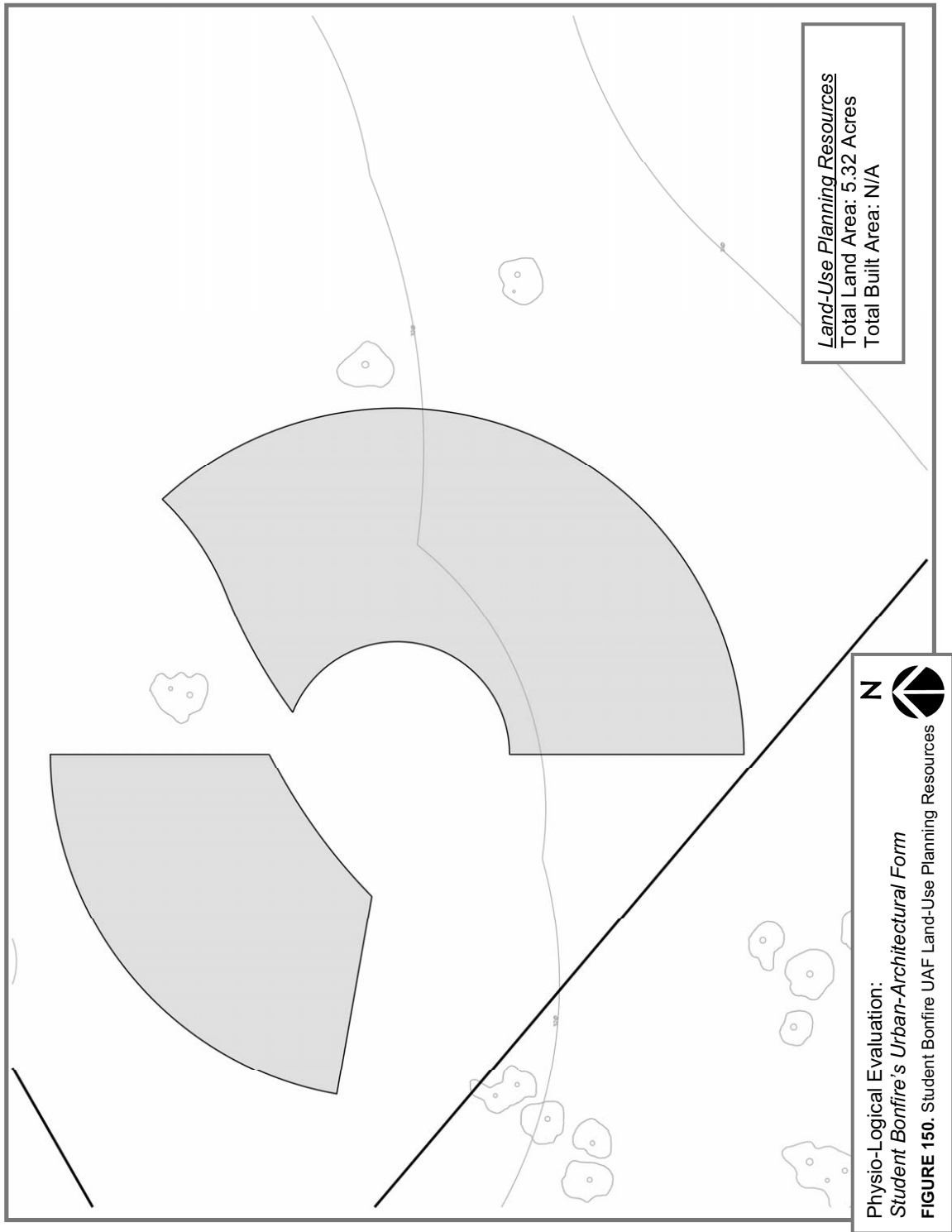
Finally, the success of the Student Bonfire organization since 2003 punctuates the point that the desire for a continuation of the Bonfire tradition is real and shared by new generations of Texas Aggies. If the administration continues to avoid oversight of the tradition’s execution, this solid minority has demonstrated it can and will perform the tradition off-site relying on the capacity of other non-university professionals and local government resources. Although this has proven as a windfall for Texas A&M thus far, there is a clear inequity in this arrangement as the desire for the tradition emanates from the cultural heritage of Aggieland, but Texas A&M University is no longer taking responsibility nor supporting the tradition with its own available and fitting resources, e.g. parking, event staff, and open secure land. Sooner or later, the source of this desire and the infrastructural cost of its expression will have to reconnect if a fair resolution is found for the greater Texas A&M community. Immediately following are **FIGURES 146** through **158**, figures which graphically detail the results of the physio-logical evaluation and newspaper analysis of the Student Bonfire case study.

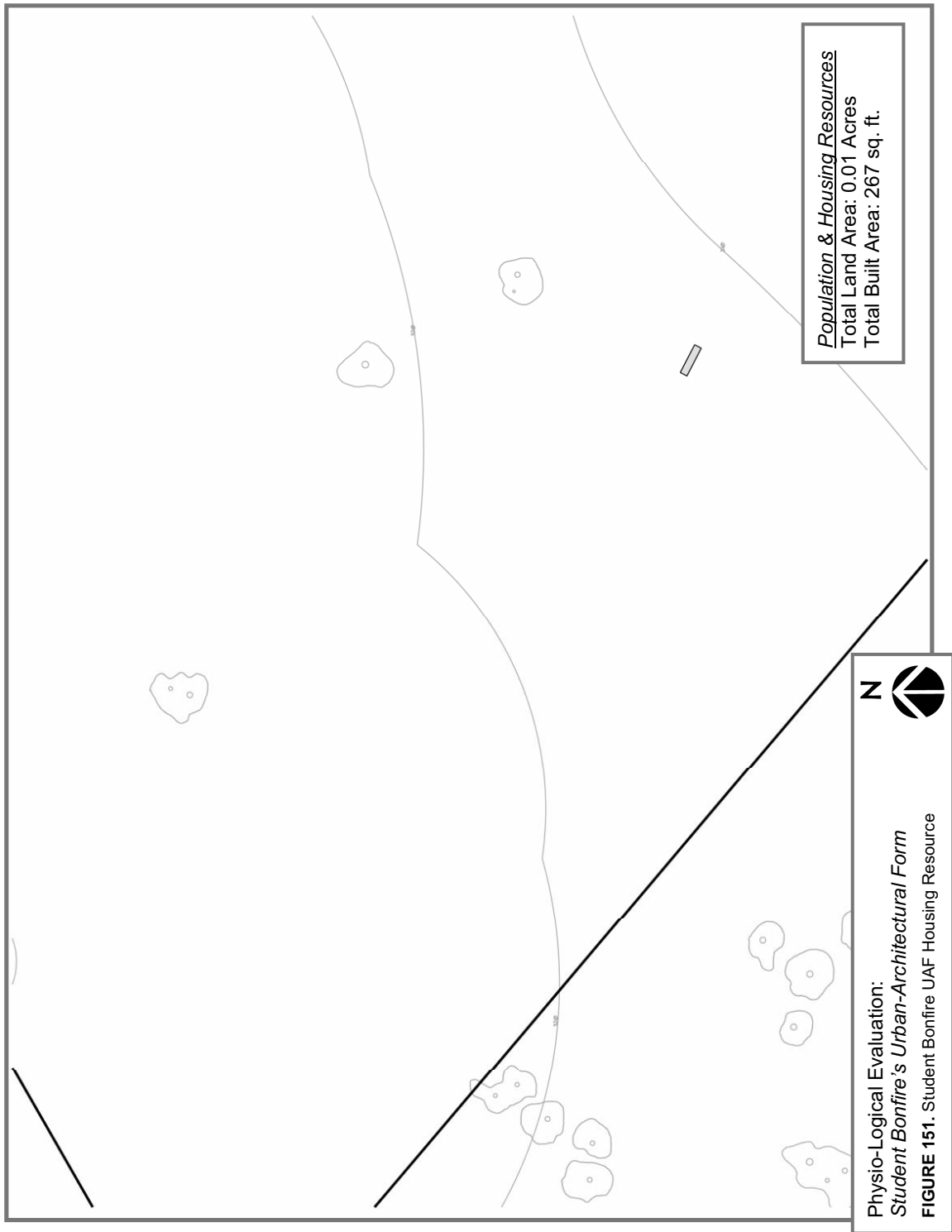


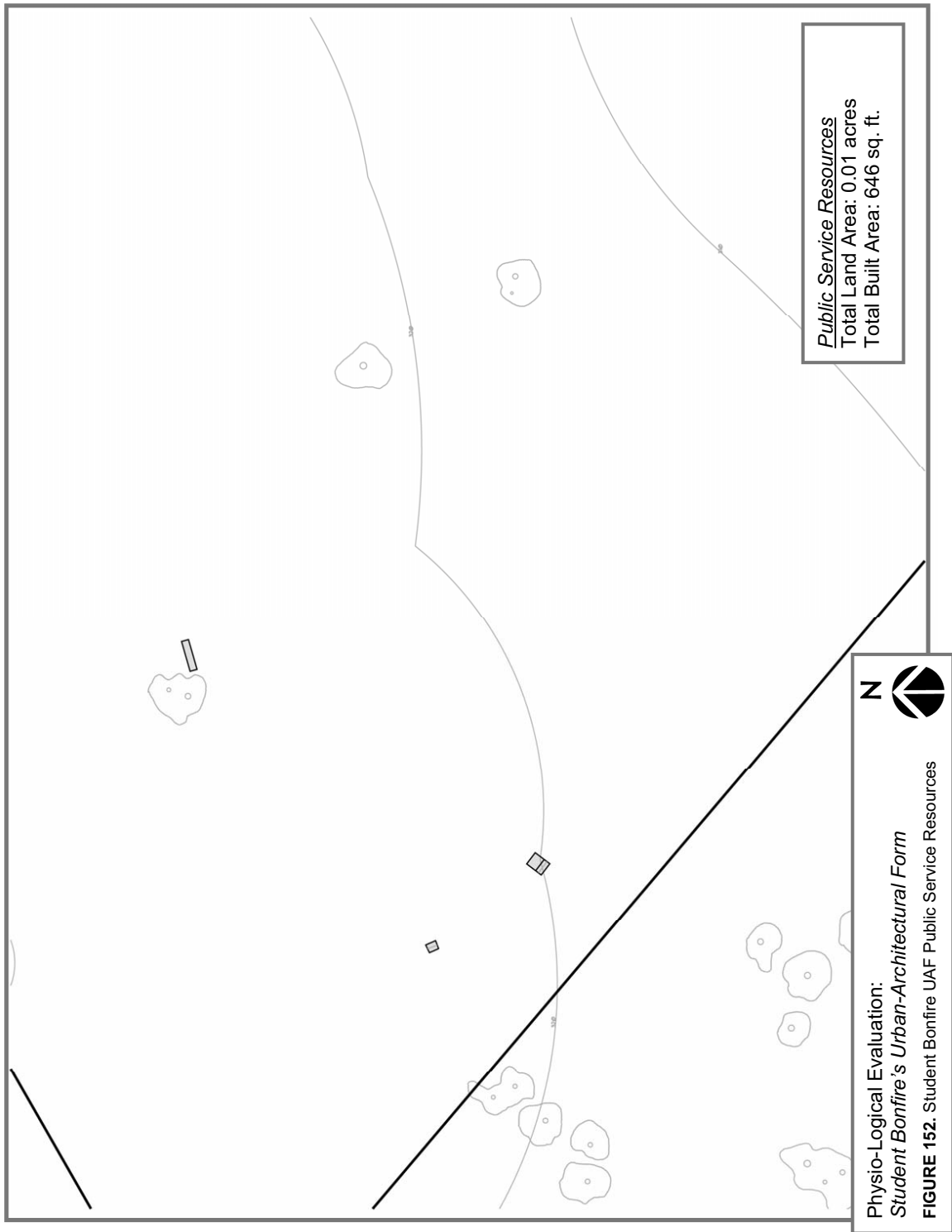


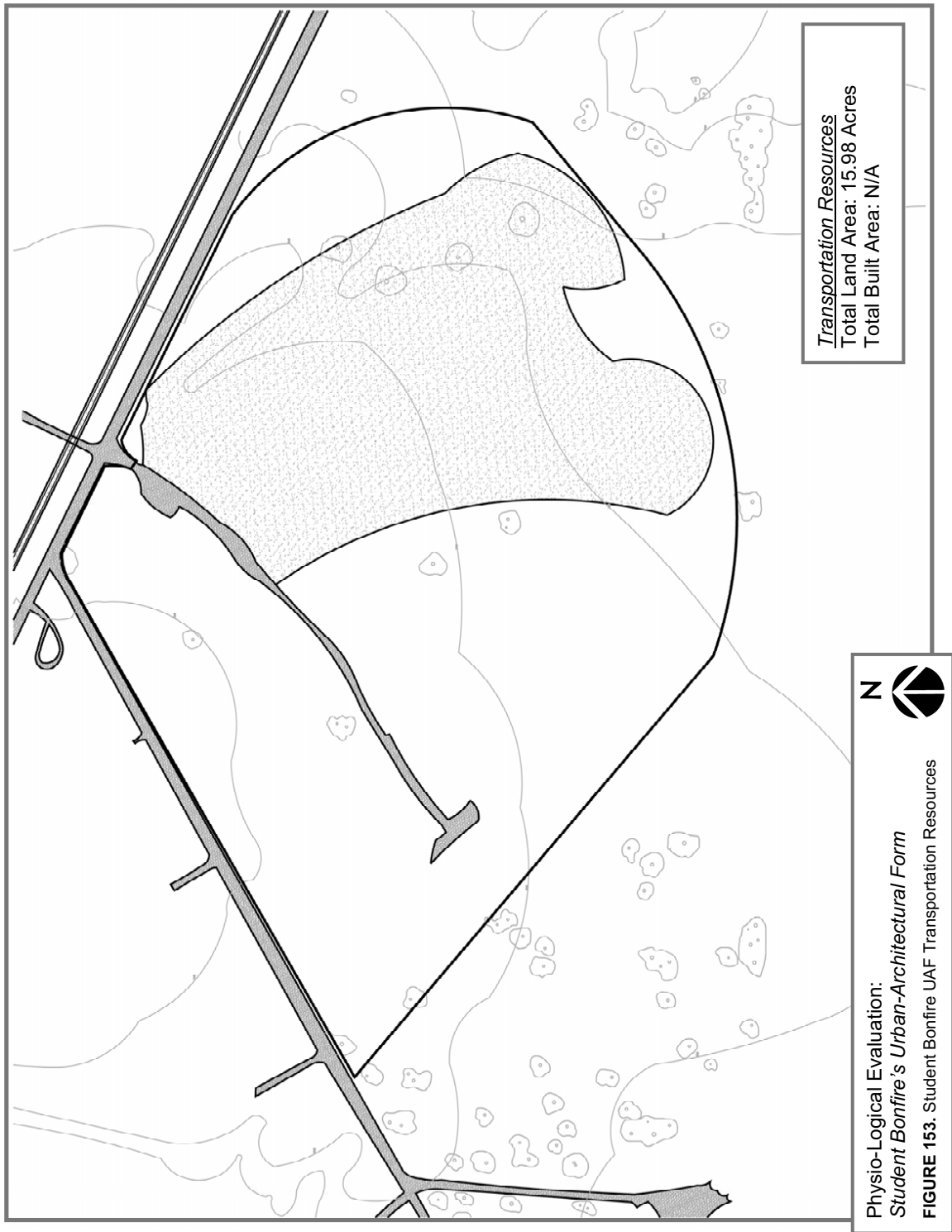


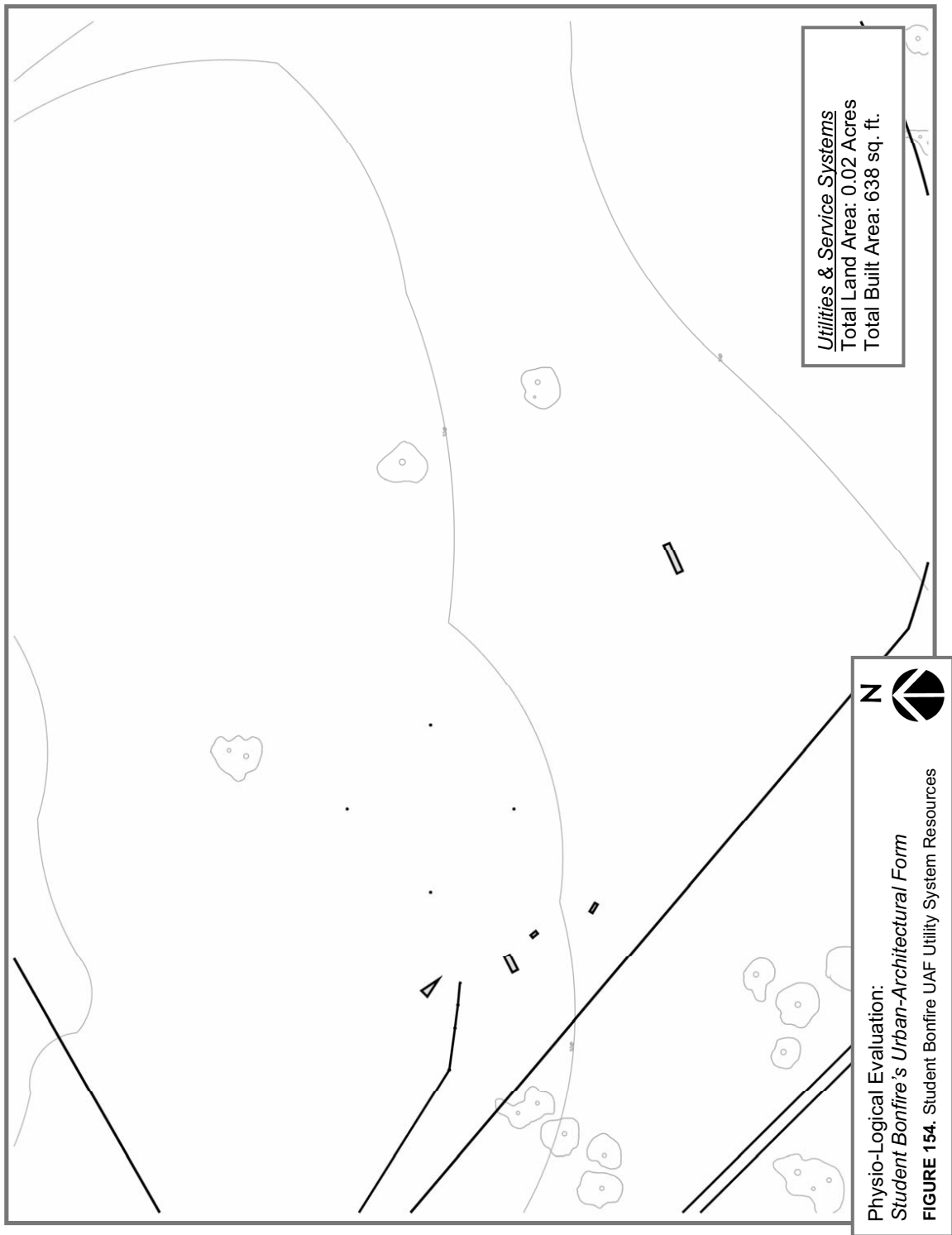












Student Bonfire

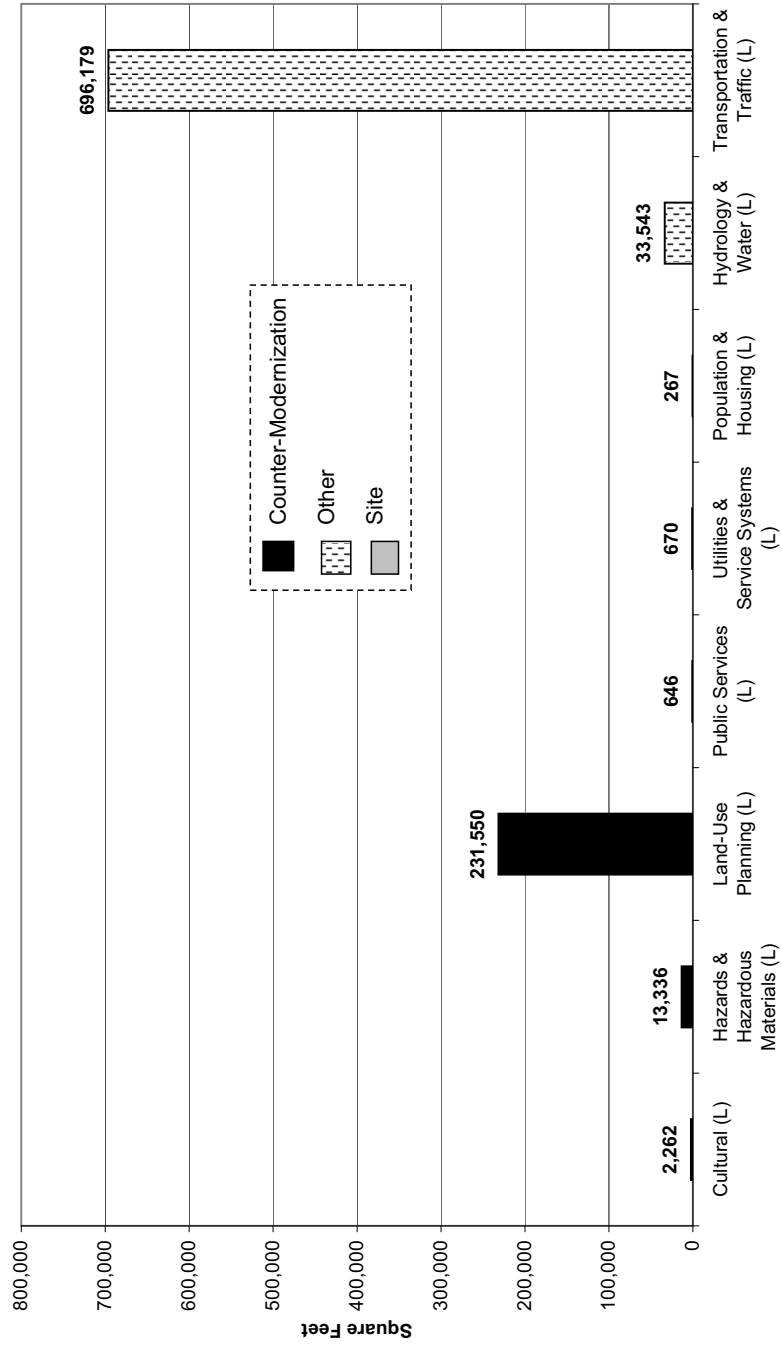


FIGURE 155. Student Bonfire Urban Resource Utilization

Student Bonfire (Sq. Ft., Percentage)

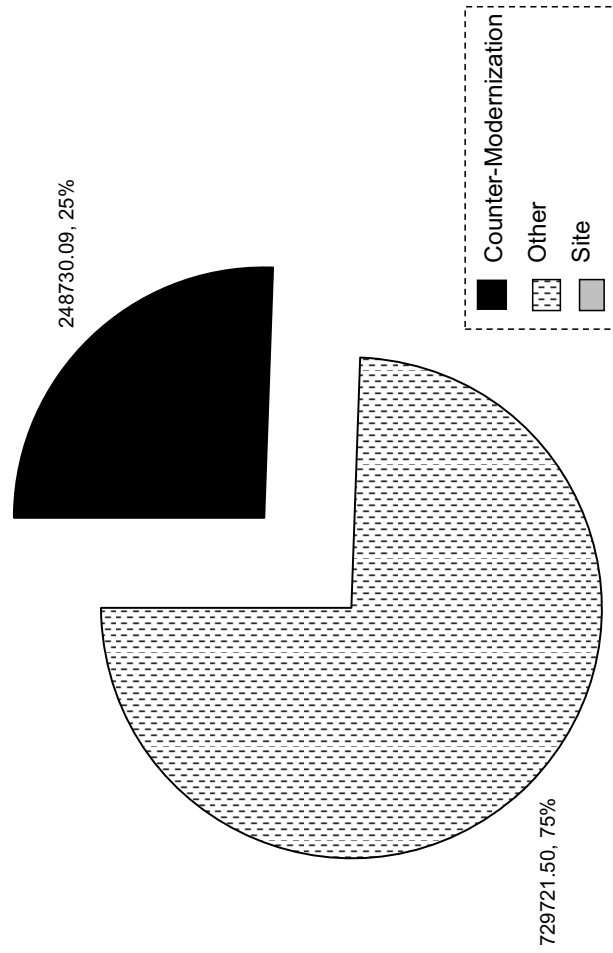


FIGURE 156. Student Bonfire Proportional Outlay of Urban Resources

Student Bonfire - New York Times

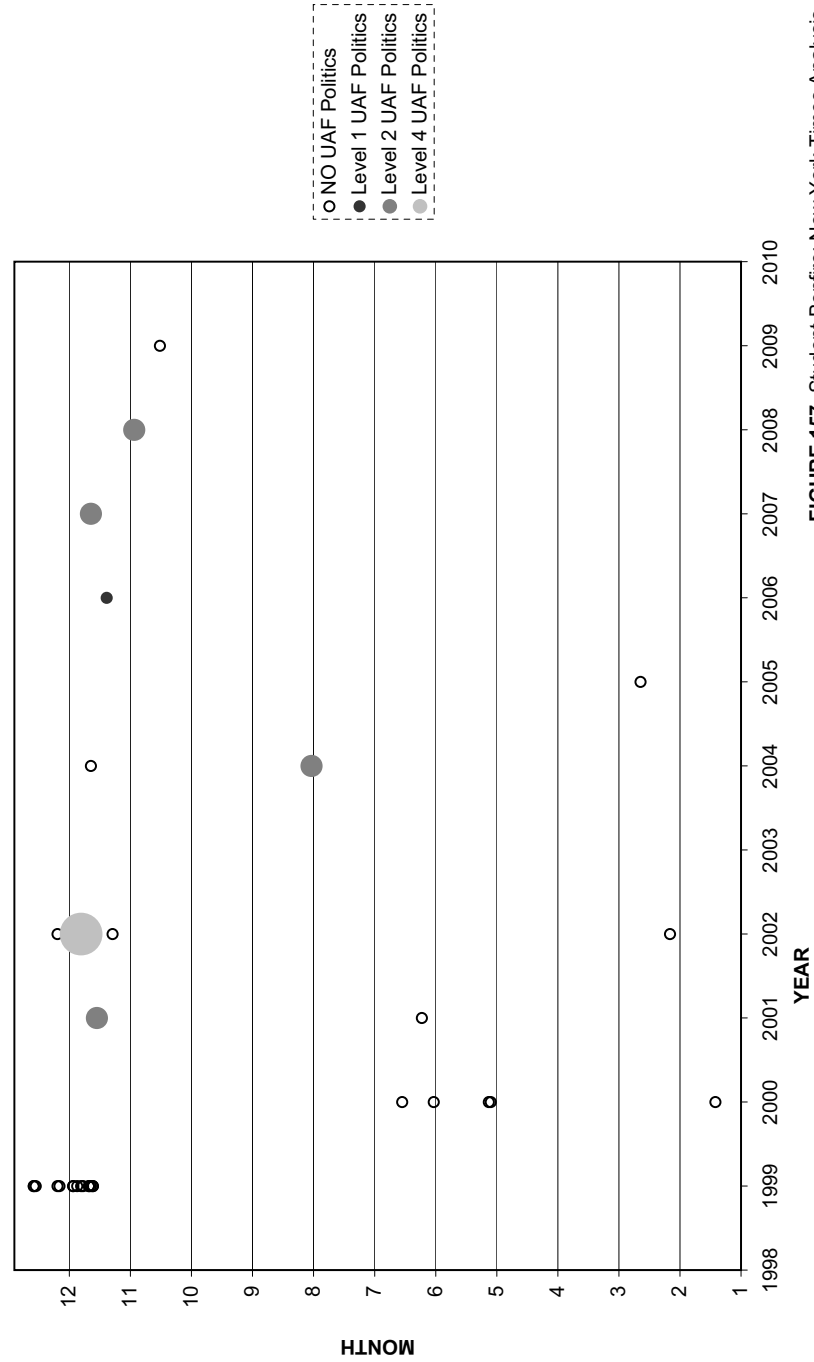


FIGURE 157. Student Bonfire: New York Times Analysis

Student Bonfire - Houston Chronicle

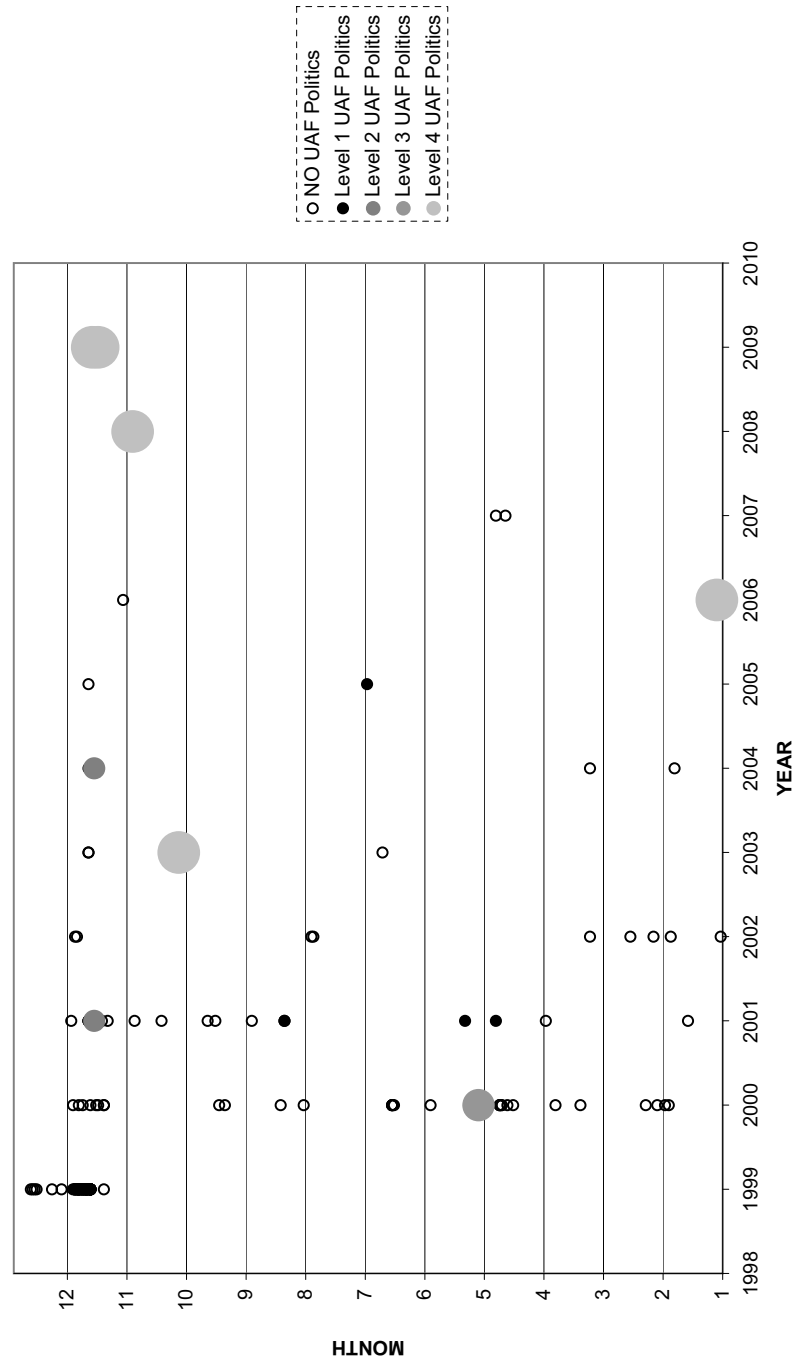


FIGURE 158. Student Bonfire: Houston Chronicle Analysis

D.3.4. Results of Physio-Logical Evaluation

Two supplemental empirical studies have been undertaken so as to verify or negate the findings of the traditional historical-interpretive method of testing the Student Bonfire urban-architectural form. The first empirical study is a plan-based observation of the Stack site that is today oriented on the edge between Robertson and Brazos County. All the land use and built expressions by the community have been categorized based on either the targeted responsiveness to the nuisance of global modernization [nuisance], its responsiveness to existing site conditions [site], or other services required of the urban-architectural form [other]. After categorization, land use and built areas were tabulated for comparisons in terms of the purpose of built urban form. This categorization and tabulation thereby allows for a legibility of the urban-resource expression as per communal aims, existing physical conditions, and other non-nuisance concerns (See **FIGURES 155** and **156**).

The nuisance of greatest importance concerning the Bonfire enthusiasts is the purported irrelevance of their beloved sacred tradition, a ritual that began in 1909. I should qualify this threat of irrelevance with the notion that the dominant culture represented by the administration of Texas A&M University has deemed the Bonfire tradition *not relevant enough* for continuation given the inherent risks (and liability) endemic to the ritual's performance utilizing student labor for realization. In reaction, simply by organizing the labor and orchestrating a redefined Bonfire exhibition, these enthusiasts are simultaneously proving the relevancy of the tradition to new generations of Texas A&M students, staff, faculty, and former students. With each passing year, the very act of safely harvesting, assembling and burning Bonfire off-campus refutes the dominant culture's excuse that there is not the desire or the capacity to continue the Aggie Bonfire tradition on-campus.

The Student Bonfire organization has secured a 44 acre territory to continue the Bonfire tradition in exile. Based on the twin reactive aims of cultural relevancy and safety, the urban resources of the Student Bonfire Stack site have been broken up into the three major categories of counter-modernization, site, and other artifacts of the built environment. The total built area of the Student Bonfire Stack site measures at 6,391 square feet, whereas the land area utilized for Bonfire activities measures at 22.6 acres. Both the built and land area represent eight resource categories including "Cultural," "Hazards & Hazardous Materials," "Land-Use Planning," "Public Services," "Utilities & Service Systems," "Population & Housing," "Hydrology & Water," and "Transportation & Traffic." Of these, six categories directly counter-modernize against the dominant culture's determination that the Bonfire tradition is not relevant enough for

continuation considering the risk of danger, making up 248,730 square feet of the utilized land area on-site. These categories include “Cultural,” “Hazards & Hazardous Materials,” “Land-Use Planning,” “Public Services,” “Utilities & Service Systems,” and “Population & Housing.”

As discussed previously, the majority of the urban elements of the off-campus Student Bonfire were carried over from the on-campus version of the tradition. These elements include the AGGIE BONFIRE Trailer, Cookie Shack/Mini-RV Unit, Brown Pot Shack, Supply Trailer, Red Pot Shack, Bonfire Stack, Bonfire Stack Staging Area, Bonfire Hilton/Senior Hotel, Fuel Tank, and the Log Staging Area. These elements are all categorized as “counter-modernization” urban resources as they act as traditional elements redefined for utilization under new safety and organizational protocols. New to the Bonfire Stack site are the following elements: Biomass Pile, Green Pot Trailer, Water Tank, Bailing Wire Sets, Bonfire Event Parking, Roadways, and the Existing Pond. All new elements are either a product of new safety necessities (Biomass Pile, Green Pot Trailer, Water Tank, Bailing Wire Sets) or are a resulting requirement of the off-campus, exiled nature of the Student Bonfire exhibition (Bonfire Event Parking and Roadways). As ample water was readily available on-campus at the previous site of the Bonfire, the necessity to bring and store water on-site is considered a site-based urban resource. In addition, all “Transportation & Traffic” urban resources are categorized as site-based resources since there was ample parking on the Texas A&M campus for the annual event.

Here, there were no “other” categorical resources as all resources were either utilized to “counter-modernize” or for hosting the event on this particular “site.” Nuisance driven resources of counter-modernization make up 248,730 square feet of land use. Urban resources motivated by site particularities make up 729,722 square feet of the property, absorbing the majority of the urban resources realized by the Student Bonfire in the limited effort to provide adequate parking for spectators on the day of the final exhibition. Committing a duality of resource objectives, the “site” developments make 75% of the built environment and “counter-modernization” elements make up the remaining 25% of the built environment. Actually driven by the success of their organization rather than its failure, site considerations for hosting the event are emerging as paramount in terms of urban design.

In contrast, the built area of the Student Bonfire paints a wholly alternative image of the community’s manifestation. The Bonfire Stack itself commands the built resources, representing 73% of the total built area on site. A second consideration regarding the excessive space required for the Bonfire Event Parking on this off-campus site is the fact that each year the Student Bonfire minders are forced to turn away enthusiastic spectators because all parking has been

filled. This large area that can accommodate roughly 7,500 spectators is no longer large enough, and as such, in terms of public observance the relevance of the tradition in contemporary Aggieland is reaffirmed.

In summary, after execution of the physio-logical evaluation of the Student Bonfire's stack site, the physical reality of the rural range is persuasive in convincing the observer that the built environment was undertaken so as to counter-modernize against the nuisance of the Texas A&M University's declaration that the Bonfire tradition was no longer relevant enough given the danger it posed to student volunteers. In evaluation of the urban development as a whole, the necessity of providing parking has commanded so much of the character of the site that it in fact contributes to an underlying suburbanization attribute that plagues both the campus and the Stack site alike. Altogether in reading the urban resources of the territory, the "other" developments make 75% of the urban environment and "nuisance" developments make up only the remaining 25% of the urban-architectural form. With such investment in "site" based resources, the urban reality of the project is not ultimately fitting to convince the observer that the whole urban development was focused on the counter-modernization of dominant nuisance. As such, this minor enterprise has not met the supermajority validation threshold.

D.3.5. Results of Correlative Newspaper Analysis

A correlative newspaper analysis is the second of the two supplemental empirical studies undertaken so as to verify the findings of the historical-interpretive evaluation of Student Bonfire's urban-architectural form. Newsprint evidence was harvested from a comprehensive archive search of the NEW YORK TIMES and the HOUSTON CHRONICLE. After all articles were collected, the evidence was organized and presented so as to verify or highlight inconsistencies as it concerns the findings of the case study. Entailed in the organization, a system of evidentiary coding was applied to all applicable articles that discussed both the marginalized population and the real property location they inhabited as directly referenced in the case study. Each article was reviewed for word phrase "triggers" or evidentiary "incidents" that, after tabulation, potentially express correlative relationships between the marginalized population, the built environment, and reflexive developments by the marginalized population in response to the dominant culture's expression of global modernization.

Restating prior sections, the nuisance of greatest importance to the Bonfire enthusiasts was the discontinuation of the on-campus Bonfire due to the Texas A&M administration's assertion that the relevance of the tradition did not warrant the additional measures necessary to conduct a

safe, ritualistically meaningful revival of the nearly century-old tradition. A survey of news stories was taken from the time period beginning with the month of the on-campus Bonfire collapse in November 1999 until the ten-year anniversary of the tragedy in November 2009. Over that decade, 34 articles were published in the NEW YORK TIMES that included the words “Texas” and “Bonfire,” and 140 articles were published in the HOUSTON CHRONICLE with the word association “Aggie” and “Bonfire.” Of those 34 articles published in the NEW YORK TIMES, six of them made mention or discussed the activities of the Student Bonfire in some capacity. Of the 140 articles published in the HOUSTON CHRONICLE, 15 included the word pair “Student Bonfire.”

TABLE 18. Verification of Student Bonfire Correlative Newspaper Analysis

14.2%	<i>Correlation between "home" of tested minor community and primary issue of political significance.</i> 0.176 New York Times 0.107 Houston Chronicle
91.7%	<i>Expression of Nuisance</i> 0.833 New York Times 1.000 Houston Chronicle
68.3%	<i>Expression of Minority Response to Nuisance</i> 0.833 New York Times 0.533 Houston Chronicle
36.7%	<i>Expression of Equity Undertaken Due to Political Discourse</i> 0.333 New York Times 0.400 Houston Chronicle
25.0%	<i>Expression of Representation Value in Newsprint</i> 0.167 New York Times 0.333 Houston Chronicle
14.2%	FAIL
VERIFICATION OF CORRELATIVE NEWSPAPER ANALYSIS	

After an itemized confirmation, the overlap of these word combinations allowed a consideration of those articles concerning the issues of the Bonfire enthusiasts after their beloved tradition was annulled on the Texas A&M campus. With the NEW YORK TIMES, the regularity of concurrence between that paper’s discussion of the Texas and Bonfire and the campaign of the Bonfire enthusiasts can be expressed as a 17.6% ratio of incidence. As for HOUSTON CHRONICLE, that regularity of concurrence between the word pair of “Aggie” and “Bonfire” with “Student Bonfire” is expressed as a 10.7% ratio of incidence. Overall, in combining the ratio of incidence of both the NEW YORK TIMES and the HOUSTON CHRONICLE, there is a 14.2% ratio of incidence. This substantiates a significantly weak correlative finding that is well below the majority (50%)

threshold required for newsprint validation (See **TABLE 18**). All articles meeting this correlative minimum have been graphically represented in **FIGURE 157** and **FIGURE 158**, respectively expressing the results of the review of NEW YORK TIMES and the HOUSTON CHRONICLE. Symbols within the graphic representations have been developed to note the article's magnitude of relative reflection as it concerns the plight of the Bonfire enthusiasts against marginalization and the use of the urban-architectural form in response to the nuisance of globalization as it has impacted the Texas A&M community.

These correlations were determined with a process of coding, whereby incidents of "nuisance", "response", "equity" and "representation" were flagged and tabulated. After tabulation a determination as to the political potency of each article was undertaken, whereby if there were no incidents in the selected article, that article would have a UAF Politics determination of "O." If the article had three of the four possible incidents, that article would have a UAF Politics determination of "3." Finally, if a single article had all four incidents, it would receive a determination of "4." This allowed for the creation of a scale from "0" – "4," a rating that is graphically represented and charted with all other sample articles based on the date of publication.

From the start, the Bonfire enthusiasts who were undertaking self-help measures to revive the tradition off-campus began as early as May of 2000 as reported by the HOUSTON CHRONICLE.¹⁰⁷³ The NEW YORK TIMES had their first report of an off-campus Bonfire led by former residents of the Hotard Hall dormitory on November 16, 2001.¹⁰⁷⁴ Although the NEW YORK TIMES never recognizes the Student Bonfire by name, the HOUSTON CHRONICLE references the organization by their self-given title first on October 4, 2003.¹⁰⁷⁵ By 2006, the Student Bonfire organization was regularly cited in reports of the Texas A&M Bonfire tradition.¹⁰⁷⁶ In the first 2003 article, the Student Bonfire organization was described as it is known today:

Texas A&M students who want Bonfire brought back to campus have started organizing an off-campus bonfire for a second year ... a group known as Student Bonfire... bonfire will be built on private land and insurance has been secured for the Nov. 22 burn... "We have to keep it going somehow," Maddox said. "Off campus is our only avenue right now."

¹⁰⁷³ John Williams, *Bonfire panel cites design, neglect / Students try to focus on the positives*, HOUSTON CHRONICLE (May 3, 2000).

¹⁰⁷⁴ *Unauthorized Bonfire Built by Texas A&M Group*, NEW YORK TIMES, (Nov. 17, 2001).

¹⁰⁷⁵ *A&M students plan off-campus bonfire*, *supra* note 970.

¹⁰⁷⁶ The HOUSTON CHRONICLE reported on the Student Bonfire as an organization *per se* on January 3, 2006; October 28, 2008; November 15, 2009; and November 18, 2009.

"We are dedicated to safely preserving the tradition of Bonfire for future generations of Aggies," said Kerri Ward, a leader of the Student Bonfire group. "It is hard to believe that our own university would work so hard to prevent students from sharing that experience."

Texas A&M officials urged students not to participate in the off-campus bonfire. "Safety of our students, and anyone else involved, continues to be our foremost concern about construction of any bonfire, so we urge students and others to refrain from participating," A&M interim Vice President for Student Affairs Bill Kibler said in a statement. "The university in no way sanctions construction of any bonfire - even if off campus."¹⁰⁷⁷

Since its genesis, the polemic position held between the Student Bonfire and the Texas A&M administration was clearly known and appreciated by both sides. This position, though, has only reached a regional enunciation in that it was only reported in the HOUSTON CHRONICLE. The Student Bonfire's activities, although substantially newsworthy in Texas, are obviously not newsworthy enough for the global audience targeted in the NEW YORK TIMES. Even so, the contemporary politics of the Bonfire tradition still appears to permeate into the NEW YORK TIMES roughly once a year. In 2007, the Student Bonfire's activities were reported even though the organization itself was not mentioned. In all, the roughly 180 articles written in both the NEW YORK TIMES and HOUSTON CHRONICLE are largely concerned with the tragedy and its aftermath. Perhaps proving how irrational a revival of the tradition appears to the world outside Aggieland, the events are largely beyond the focus of both major news reporting agencies.

Looking beyond the low number of articles written about the activities of the Student Bonfire, incidences of nuisance, response, equity and representation have also been tabulated. Of the six NEW YORK TIMES articles discussing Bonfire issues in Texas, five of them report on the nuisance of the Bonfire ban on-campus (83%). Of the fifteen HOUSTON CHRONICLE articles, all fifteen report on the nuisance of the Bonfire ban (100%). Of the six NEW YORK TIMES articles discussing Bonfire issues in Texas, five report on the multitude of responses the Bonfire enthusiasts have employed against the tradition's marginalization (83%). Of the fifteen HOUSTON CHRONICLE articles, eight report on the responses the Bonfire enthusiasts have employed against the tradition's marginalization (53%). Finally, as it concerns the process of equity actualization for the Bonfire enthusiasts in terms of perceived Texas A&M administrative wrongdoing, of the six NEW YORK TIMES articles discussing Bonfire in Texas, two of them report on efforts of equitable resolution involving actions or institutions beyond administrative and renegade parties (33.3%). Of the fifteen HOUSTON CHRONICLE articles, six as well report on such equity-seeking mechanisms outside Bonfire enthusiast's control (40%).

¹⁰⁷⁷ *A&M students plan off-campus bonfire*, supra note 970.

With this correlative newspaper analysis, the findings have very limited persuasive value in validating the historical narrative and enunciative value of the Student Bonfire's rightful role in leading the Bonfire enthusiasts' desire to revive the Bonfire tradition. Largely, this is a major difficulty in studying minority voices who have been exiled from their geographic origins as such groups take time to achieve the legitimacy to be deemed newsworthy for print. At this point in the analysis it should be recanted that it took the TGiE 20 years to be recognized as an official organization for the Tibetan exiles in the NEW YORK TIMES. Also, the Student Bonfire organization has largely undertaken its purpose by continuing the rituals rather than presenting their objectives to news media on a regular basis. In fact, after witnessing and reviewing the impact of the national media on the Bonfire tradition after the 1999 tragedy, many Student Bonfire leaders are still extremely wary of media coverage beyond necessary announcement data including the date, time and location of Bonfire events. Even so, where there is coverage of the political desire of the Bonfire enthusiasts in Aggieland that coverage synchs well with the historic narrative and projected message presented previously in this case study. Here, although there is very limited verification, the content of the limited verification that exists proves extremely positive for the given findings.

D.3.6. Conclusion: Pass or Fail

PASSING. The pre-1999 story of Aggie Bonfire is itself unique, but after the tragedy, the strained spiritual connection this tradition represents in terms of the university community has only grown in symbolism. After years of review, planning and emergent litigation, the perceived exposure to liability made the continuation of this sacred ritual on the Aggie campus impossible. If not impossible, then simply a task the Texas A&M administration did not choose to undertake in light of the broad multitude of issues at hand. Instead, the outcast community that continued year after year to pine for the return of the Bonfire tradition was forced to assume all risk, all planning, and all logistics necessary to create a public venue for the concurrent defiance *and* devotion to a university that would not allow the practice to continue on the soil of its origins.

After indirectly reaffirming the outside world's belief that the Bonfire tradition was not relevant enough to the future of Aggieland considering the risks it posed, the Texas A&M administration used the powers it had available to seemingly quash any hope of continuation. Instead, off-campus organizers seemed dared by the actions of the administration, taking the already rampant private renegade bonfires onto a public, political stage of exhibition as an expression of the infamous Aggie public will. These Bonfire enthusiasts would attempt to prove to the outside world that Texas A&M was still a place of difference that Bonfire was relevant to Aggieland's

future, and most importantly, the ritual born of Texas A&M's rich heritage could be conducted in a contemporary environment in a safe and appropriate manner. These enthusiasts unified under the Student Bonfire masthead, and still today, work hard each year to maintain discipline, attain respect from the outside, and most importantly, communicate *by doing* that Bonfire can be a safe and meaningful tradition (See **TABLE 19**).

The question as to whether mythic traditions handed down from a collective past can have meaning today is not only a question for Texas as its economy and culture grow more sophisticated. As the largely conservative state continues to struggle with balancing a defiant character and rapid rationalization, this question of historically-rooted spiritual expression has a global application as the world's oldest civilizations (namely those in China and India) undertake previously unthinkable measures of modernization. Today, the undeveloped world's rural population is rapidly urbanizing and massive regions of the Asian continent are attaining newfound economic prosperity. Under threat of erosion in the face of globalization, communities that find their own ancient practices still relevant will, like the Bonfire enthusiasts, have to find the territory and redefined practice to prove over and again their traditions are worth saving.

Here, on the open range of post oak savannah in Robertson County, the Student Bonfire with each passing year struggles to prove to the outside world they are maintaining something meaningful, something relevant to future generations of Aggies. In doing so, as a young organization they are *passing* the test of minor architecture, relevant to their own ranks but not yet an ideological threat to the regional expression of the dominant culture. Student Bonfire, no matter how misguided it may seem, is proof of this timeless attribute of the consummate underdog where resilient action is more important than immediate success. As Robert Earl Keen and Lyle Lovett wrote from their famed origins in Aggieland:

*This old porch is just a long time of waiting and forgetting
Remembering the coming back and not crying about the leaving
And remembering the falling down and the laughter of the curse of luck
From all those son's of bitches who said we'd never get back up.*¹⁰⁷⁸

¹⁰⁷⁸ KEEN, *supra* note 814.

TABLE 19. Conclusion of Student Bonfire as Minor Architecture

SUBJECT TEST	PASS	Notes
Clear Nuisance	■	Banishment from campus due to irrelevance and safety liability after tragedy
Collective Expression	■	Student Bonfire Stack and Burn site
Singular Linguistic Form	■	Mythic
UAF	■	Student Bonfire is a working UAF
Rhizomatic	■	TAMU administrative research, on-campus advocacy and local government oversight all impact path of the Student Bonfire UAF
Deterritorialization of Major Language	■	On private land of nominal value Student Bonfire has redefined the process of the tradition's rituals while retaining a superficially traditional aesthetic
Connect Individual to Politics	■	Dress, mannerisms, customs, and regional recognition of Student Bonfire as keepers of generally unpopular tradition after banishment from campus
Enunciation of Minority	■	Enthusiasts undertake a "burn now, ask questions later" approach to revival by <i>doing</i> , rather than research or advocacy
MINOR DESIGN	■	Minor design has been achieved with professionally designed yet hand-built Student Bonfire architecture at the coordinates: 30.744319, -96.475444
Tetravalent Condition of Assemblage	■	Student Bonfire affords enthusiasts the territory, professionalism and administrative oversight to practice the century-old tradition safely until it can return to its geographic origins
Decoding of Territory furthering Equity	■	Redefining the timeliness activity to fit contemporary social and institutional parameters, Student Bonfire has developed as a holdover organization while the university reflexively adjusts its traditions to fit a new role in global research
ENVIRONMENTAL JUSTICE	■	Environmental justice is of primary concern of the present UAF
Resource Use Congruence	■	Employment of urban development, especially the built environment, is aimed to counter-modernize against the nuisance of irrelevancy and prior safety failure
Overall Nuisance Response	□	Majority of development has not been employed to facilitate the reaction to nuisance, instead addressing parking considerations for final event
PHYSIO-LOGICAL VALIDATION	□	Nuisance of globalization has been responded to but does not meet the majority threshold required for validation
NEWSPAPER VALIDATION	□	Correlation of nuisance and reaction is not validated in newsprint due to a lack of reporting on the young Student Bonfire
Minor Expression of Built Environment:		PASSING

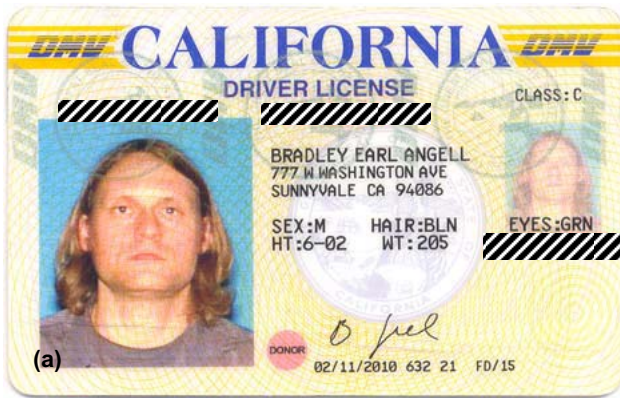
D.4. ISLA VISTA RECREATION & PARK DISTRICT

Case Abstract: Isla Vista is a small, highly populated and landlocked unincorporated student ghetto that is surrounded by the University of California, Santa Barbara and the Pacific Ocean. In 1970, after growing tensions were boiling over in regard to the Vietnam War, perpetuated racism and conservative administrative policies, youth-led riots elevated to violent outrage against the monumental architecture of Isla Vista. Such actions were thereby followed by an intense period of police occupation, continued arson and resident unrest. After the death of an innocent student, a grander collective endeavor to create a community from the destruction in Isla Vista emerged with two organizations, the Isla Vista Community Council and the Isla Vista Recreation & Park District. As the efforts by the Isla Vista Community Council were either decoupled from the organization or failed altogether, the Recreation & Park District took a lead communal role to indoctrinate a vernacular linguistic expression of libertine urban practice so as to represent resident desires against the landlord-owned, highly vehicularized nature of their Isla Vista home. After decades of inter-interest fighting, unfocused development and lengthy leadership immaturity, the Isla Vista Recreational & Park District today enjoys an established, institutional role in the community as a quasi-land-trust-municipal-government for the massive block of students and marginalized residents who live within the district's jurisdiction.

The Isla Vista Recreation & Park District by all accounts fits the Deleuzean *Kafka* framework as it was born of a state of deterritorialization and continues to be characteristically political, collective, and perpetually representative of the resident minority body of Isla Vista. Further, the physio-logical evaluation confirms this status of minor urbanism as the primary nuisance "complaint" has been directly reacted to with the urban-architectural expressions developed under the leadership of the Recreation & Park District. In contrast to the interpretative-historical and the urban-based test results regarding the District, the newspaper correlative exercise did not validate previous findings. Rather than wholly strike against a conclusion that the District is not a minor product of architecture, the result of this newspaper survey could be telling of an inherent weakness of this testing method. As the Recreation & Park District has become a mechanism to realize equity within the District, issues of dramatic angst from the residents could arguably avoid report in major mainstream newspapers as such issues are immediately answered via internal administrative platforms provided by the Recreation & Park District. Further, issues of concern that amount to less than violent protest may not amount to mainstream report due to the isolated nature of Isla Vista; as such issues may not necessarily impact the readers of these papers absent a real existential threat to their normal daily activities. In spite of the lack of newsworthiness, the findings in terms of Isla Vista Recreation & Park

District status as a minor architectural product are convincingly supportive of the hypothesis, validating the possibility of disenfranchised communities to manifest minor architecture in furtherance of their political desire.

Preface of Potential Bias: I was introduced to Isla Vista by a few new friends I made immediately after moving to Sacramento, California in 1998. Upon arrival, I was elated to find the original *Freebird's World Burrito* there, built in 1987 (See **FIGURES 200-201**), a popular eatery unique at the time to College Station. At this time in the late 1990's, there were only three *Freebird's*: the original in Isla Vista and two satellites in College Station. Beyond *Freebird's*, my personal connection to Isla Vista is a product of the experiences provided by personal friends. I have partied on DP, spent sunsets on her beaches, and found myself soiled by dog refuse in the parks. As all great college communities provide an indefinite network in the greater world, Gauchos and Aggies alike enjoy a unique, but wholly different, environment to reflect upon and recant in memories once they have left their alma maters. Since these experiences, I have made no less than three extensive research trips to Isla Vista cataloging, photographing and mapping the place personally. Today, I hold an ideological bias in favor of her libertine culture, but nonetheless, not one which significantly impacts independent study of this case in terms of its potential as an expression of minor architecture. Immediately following are **FIGURES 159 through 217**, figures which graphically detail the conditions of the Isla Vista Recreation & Park District case study.



(CLOCKWISE) (a) (ABOVE) Author's current driver's License, issued in 2010. (b) (RIGHT) Overbuilt beach houses in Isla Vista are under increasing threat of collapse as the cliff erodes. (c) (BELOW) Typical afternoon activity along Del Playa. (d) (BOTTOM RIGHT) Dogs, couples, walkers and the homeless frequent the Isla Vista beach as residents overlook from the crowded Del Playa homes. (e) (BOTTOM LEFT) An iconic off-shore oil platform is a normal form in the visual landscape of the Isla Vista beach.



FIGURE 159. Images Supporting Case Background: IVRPD

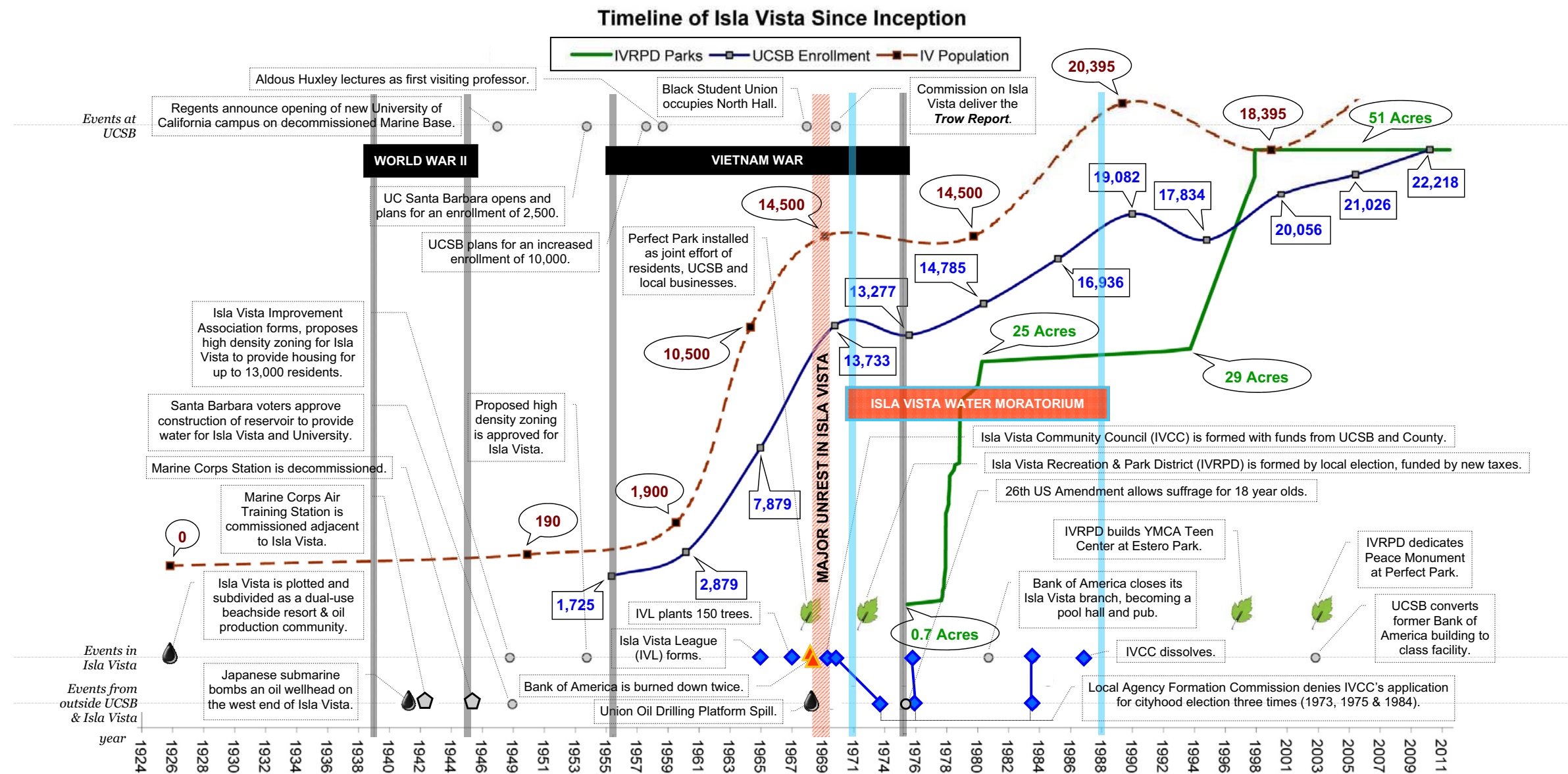


FIGURE 160. Isla Vista Timeline Since Inception

VIOLENCE IN AMERICA

One Company's Position

ISLA VISTA, CALIFORNIA, population 11,250. The business district consists of a couple of gas stations, a few small shops, some real estate offices—and a bank. A large campus of the University of California is nearby. All in all, a normal American suburban community—perhaps very much like the one you live or work in. Normal, that is, until Wednesday, February 25, when violence shattered the peaceful calm of Isla Vista.

At about 8:30 p.m. on the night of February 25, rampaging demonstrators—students and non-students—protesting the “capitalist establishment” converged on the community’s small business district.

Several protesters rolled a gasoline-soaked trash bin through a smashed front door in a Bank of America branch and set it ablaze. Other students extinguished the fire. But just before midnight, with the angry crowd in a frenzy, the branch was set ablaze again. While police and fire officials were held at bay by a rock-throwing mob, the bank was gutted by fire and totally destroyed. A police patrol car was overturned and burned. Numerous other fires were started. Windows were smashed and life and property threatened.

These events took place in a community called Isla Vista. They could have happened in your community. They can happen anywhere and with even more disastrous results.

Why did the eruption in Isla Vista take place?

Participants in the violence say it was a protest.

against the “capitalist establishment,” “the war in Vietnam,” “the Chicago trial,” “student repression,” “police brutality,” and a list of other grievances against America in 1970. Some of these grievances are real, some are fanciful and others are false. But all deserve to be aired. To the degree that they are not aired, are not taken seriously, Americans break faith with their young.

But all Americans, young and old, liberal and conservative, lose by violence. Violence and destruction are the seeds of anarchy and tyranny—whether it be the tyranny of the extreme right or the extreme left.

We believe the time has come for Americans to unite in one cause: a rejection, total and complete, of violence as a means of political dissent.

All of us, young or old, liberal or conservative, have for too long been silent on the issue of violence. We have been afraid of labels or slogans that would brand us as either arch conservatives or traitors to a liberal cause. Such sloganeering does all of us a grave injustice.

Let us, as a nation, find once again our ability to distinguish between protest and revolt; between dissent and chaos; between demonstration and destruction; between non-violence and violence.

Let us cease to condemn those who disagree with us, but let us also be prompt and resolute in putting an end to violence in our land.

To this end we applaud the courageous response of many dedicated public officials. They deserve the

cooperation of all citizens. They will have ours.

Every American has a right to walk the streets in safety. No polemic should be allowed to obscure this right. Your wife or husband, son or daughter ought to be safe in visiting a supermarket, a filling station or a bank—regardless of whether another may choose to reject that institution as an onerous symbol.

It is for these reasons that we plan to re-open our Isla Vista branch on Monday, March 9. We realize that there is danger in this course of action. But we believe the greater danger to ourselves and to all of the people in this nation is to be intimidated by mob violence. We refuse to be so intimidated.

Is the branch worth this much? In monetary terms, the answer is no. It is not, and never has been particularly profitable. But it is there to serve the banking needs of the community and we refuse to be driven out of any community by a violent few.

Is this a bad business decision? Perhaps in a narrow sense it is. But we believe that at some time and in some place Americans must decide whether they intend to have their decisions, indeed their lives, ruled by a violent minority.

We are but one bank, but we have decided to take our stand in Isla Vista.

Bank of America

NATIONAL TRUST & SAVINGS ASSOCIATION

FIGURE 161. Violence in America. Image provided courtesy of the New York Times (1970).

1. Anco/Ojo/ Park (2.85 acres)	580 Embarcadero Del Norte	1. Anco/Ojo/ Park (2.85 acres)	580 Embarcadero Del Norte
2. Del Playa Open Space (4.24)	8805 Del Playa Dr	2. Del Playa Open Space (4.24)	8805 Del Playa Dr
3. Childen's Park (0.74)	810 Camino Del Sur	3. Childen's Park (0.74)	810 Camino Del Sur
4. Del Sol/Vernal Pool Reserve (12.02)	8795 El Colegio Rd	4. Del Sol/Vernal Pool Reserve (12.02)	8795 El Colegio Rd
5. Del Playa Open Space (0.39)	8621 Del Playa Dr	5. Del Playa Open Space (0.39)	8621 Del Playa Dr
6. Del Playa Open Space (6.3)	8850 Del Playa Dr	6. Del Playa Open Space (6.3)	8850 Del Playa Dr
7. Del Sol/Vernal Pool Reserve (12.02)	8795 El Colegio Rd	7. Del Sol/Vernal Pool Reserve (12.02)	8795 El Colegio Rd
8. District Office (0.25)	981 Embarcadero Del Mar	8. District Office (0.25)	981 Embarcadero Del Mar
9. Estero Park (6.3)	899 Camino Del Sur	9. Estero Park (6.3)	899 Camino Del Sur
10. Greek Park (0.51)	820 Embarcadero Del Norte	10. Greek Park (0.51)	820 Embarcadero Del Norte
11. Greek Park (0.51)	820 Embarcadero Del Norte	11. Greek Park (0.51)	820 Embarcadero Del Norte
12. Kids' Trail Park (0.29)	6996 Paisado Rd	12. Kids' Trail Park (0.29)	6996 Paisado Rd
13. Linea Acero Park (0.61)	6900 Salsado Tuerle Rd	13. Linea Acero Park (0.61)	6900 Salsado Tuerle Rd
14. Pardini Gardens (0.18)	6914 Pardini Rd	14. Pardini Gardens (0.18)	6914 Pardini Rd
15. Pelican Park (1.0)	6847 Del Playa Dr	15. Pelican Park (1.0)	6847 Del Playa Dr
16. People's Park (0.52)	987 Embarcadero Del Norte	16. People's Park (0.52)	987 Embarcadero Del Norte
17. Perfect Park (1.11)	977 Embarcadero Del Norte	17. Perfect Park (1.11)	977 Embarcadero Del Norte
18. Rottapel Park (0.16)	6751 Del Playa Dr	18. Rottapel Park (0.16)	6751 Del Playa Dr
19. San Lookout Park (1.29)	6795 Del Playa Dr	19. San Lookout Park (1.29)	6795 Del Playa Dr
20. Sueno Orchard (0.87)	6723 Sueno Rd	20. Sueno Orchard (0.87)	6723 Sueno Rd
21. Sueno Park (0.4)	6650 Sueno Rd	21. Sueno Park (0.4)	6650 Sueno Rd
22. Tipi Village (0.48)	6834 Sueno Rd	22. Tipi Village (0.48)	6834 Sueno Rd
23. Tierra de Fortuna Park (2.5)	6692 Fortuna Rd	23. Tierra de Fortuna Park (2.5)	6692 Fortuna Rd
24. Tingo-Paisado Park (0.34)	6633 Paisado Rd	24. Tingo-Paisado Park (0.34)	6633 Paisado Rd
25. Windsor in the Seas (0.34)	6851 Del Playa Dr	25. Windsor in the Seas (0.34)	6851 Del Playa Dr





FIGURE 163. Current County of Santa Barbara Zoning Map for Isla Vista



Image provided courtesy of the Goleta West Sanitary District (2010).

FIGURE 164. Ariel Image of Isla Vista in 1958

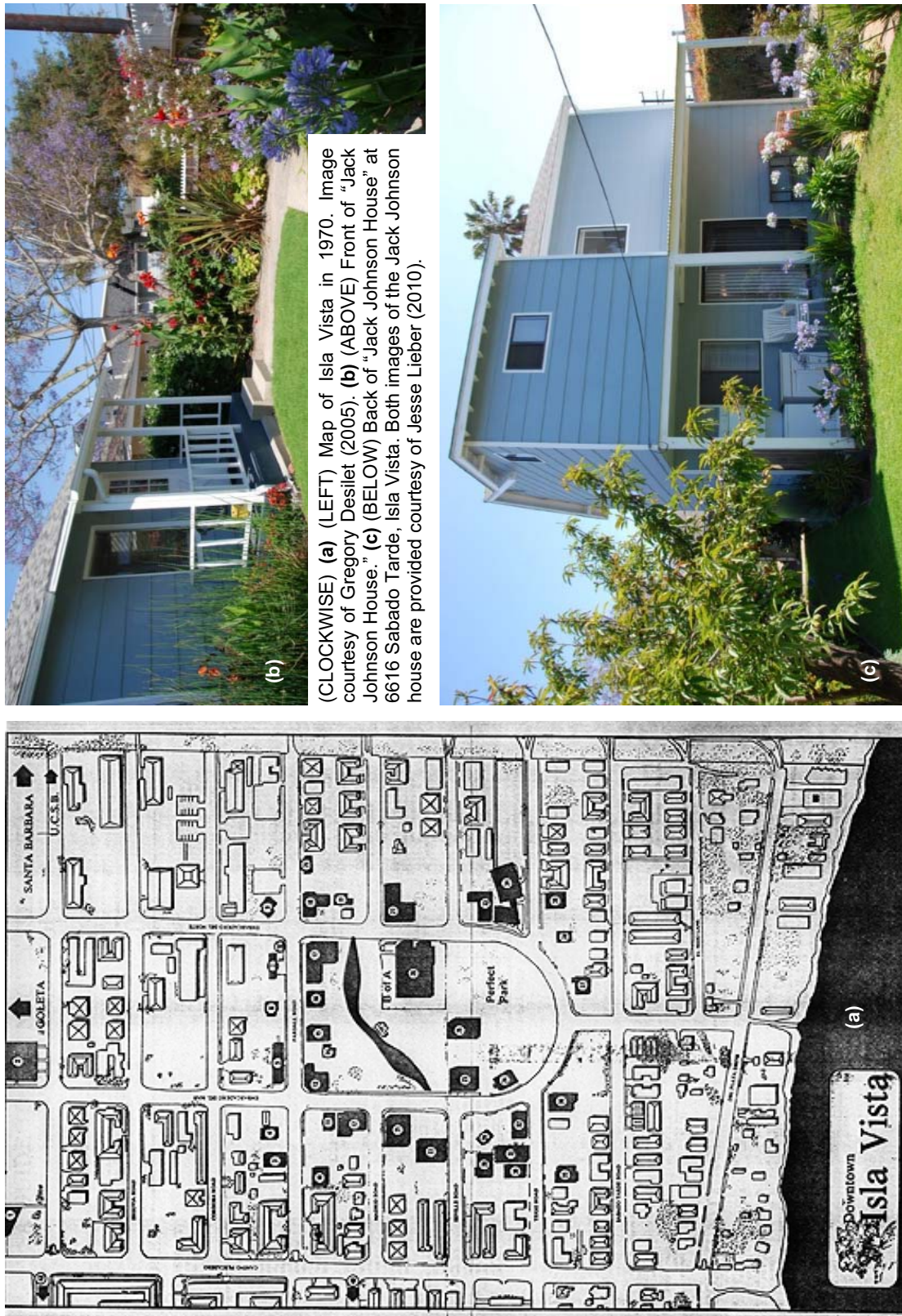


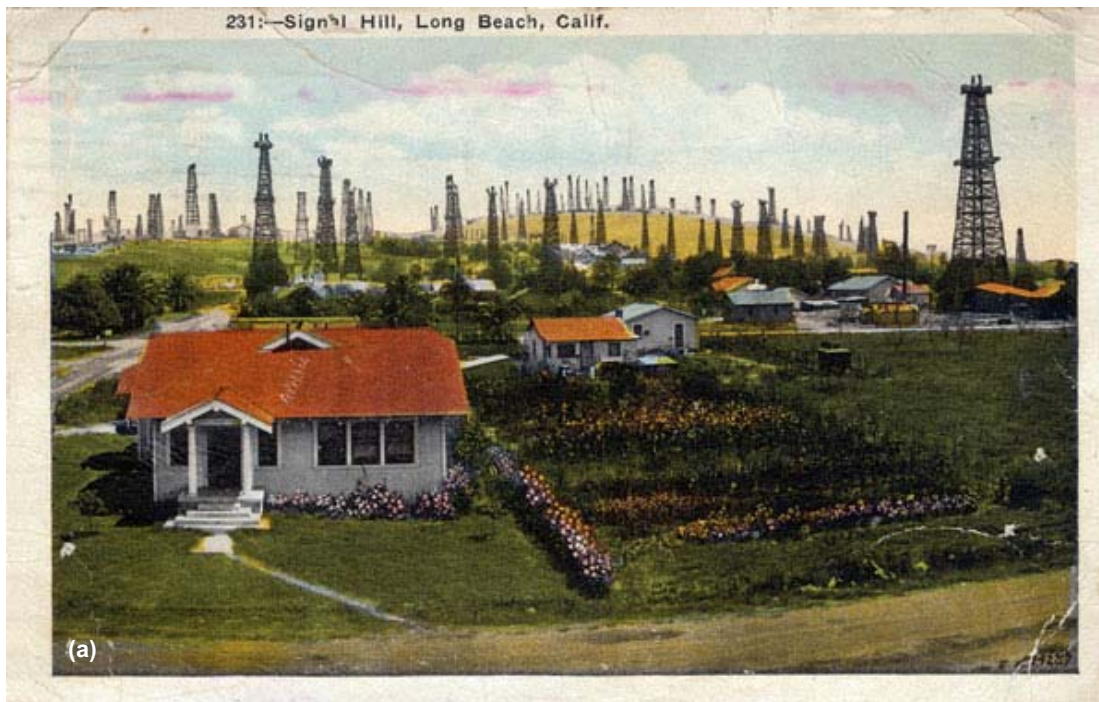
FIGURE 165. Map and Jack Johnson House



(a) (ABOVE) Huntington Beach, California, Oil wells along Huntington Beach. Image provided courtesy of the Orange County Archives (2011). **(b)** (BELOW) Summerland oil piers near Santa Barbara, California, circa 1901-1903. Image provided courtesy of the Title Insurance and Trust / C.C. Pierce Photography Collection, USC Libraries (2011).



FIGURE 166. Huntington Beach and Santa Barbara



(a) (ABOVE) Postcard showing the Signal Hill oil field, circa 1940. Image provided courtesy of the Werner Von Boltensern Postcard Collection, Department of Archives and Special Collections, Loyola Marymount University Library (2011). **(b)** (BELOW) Orange Groves, homes and oil derricks promoted together by boosters in Orange County, California. Image provided courtesy of the Orange County Archives (2011).

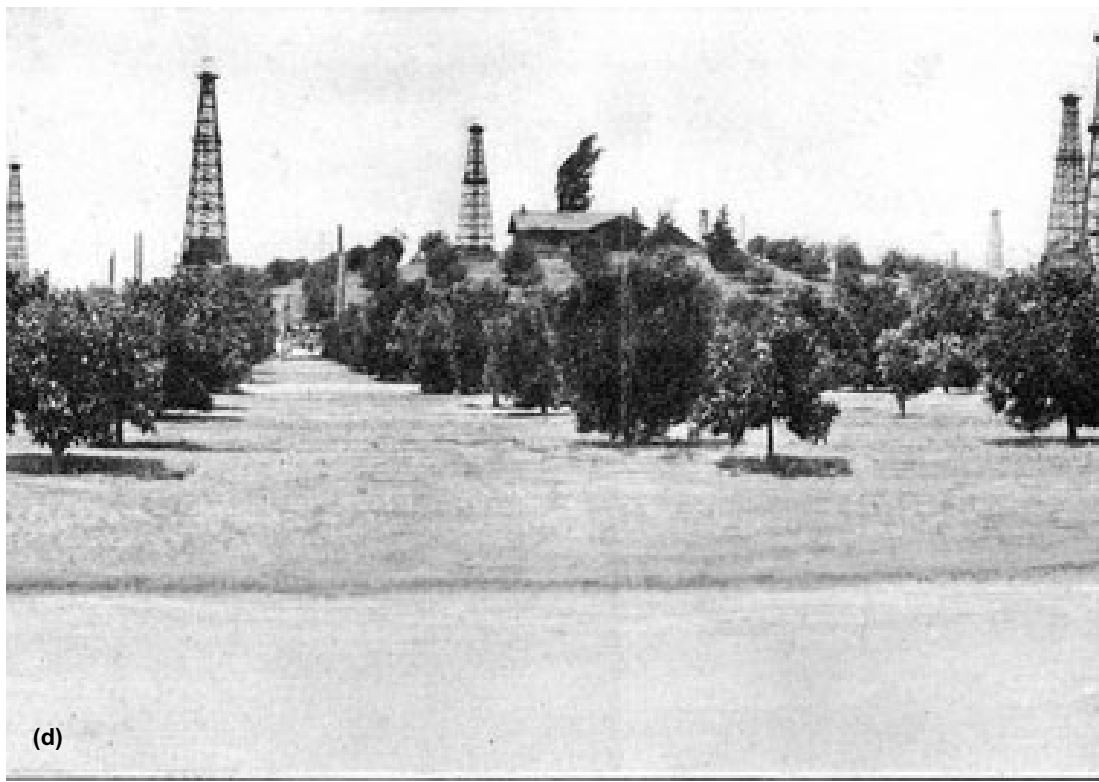


FIGURE 167. Signal Hill and Orange County

RHIZOMATIC TIMELINE of the ISLA VISTA RECREATION & PARK DISTRICT URBAN-ARCHITECTURAL FORM

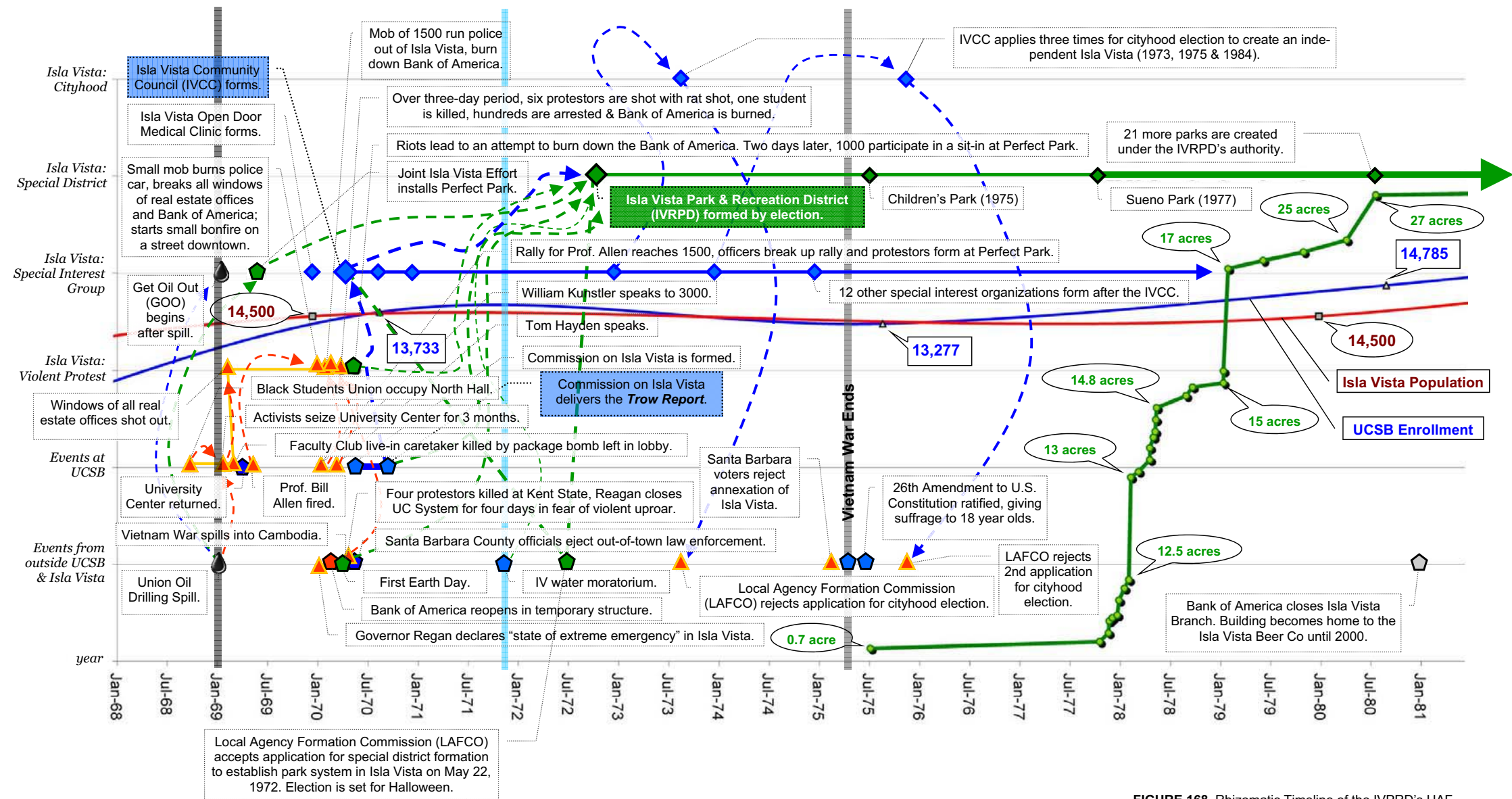


FIGURE 168. Rhizomatic Timeline of the IVRPD's UAF



PEACEFUL AGAIN. Isla Vista park that was scene of 1970 violence shows little sign of it now. New Bank of America building is at left. Times photo by Cal Montez



(d)

(CLOCKWISE) (a) (TOP) Photo taken ten years after the riots in downtown Isla Vista. Image provided courtesy of the Los Angeles Times (1980). (b) (RIGHT) Ducks walking today's Anisq' Oyo' Park, Notation #1. (c) (BELOW) Kid's equipment, green space and iconic windmill of Anisq' Oyo' Park. (d) (LEFT) Anisq' Oyo' Park sign illustrates park notices, including water access, ADA access, and alcohol prohibition.



(b)



(c)

FIGURE 169. IVRPD (i)



FIGURE 170. IVRPD (ii)



(CLOCKWISE) (a) (TOP) Today's UCSB lecture hall in Isla Vista is the former Bank of America, destroyed in 1970. (b) (ABOVE) Plaque at entrance of former Bank of America. (c) (BELOW) K'n'B Market adjacent to Anisq' Oyo' Park. (d) (LEFT) Bank of America's only ATM in Isla Vista.



FIGURE 171. IVRPD (iii)



FIGURE 172. IVRPD (iv)



(CLOCKWISE) **(a)** (TOP) Native landscaping is evident at Camino Pascadero Park, Notation #3. **(b)** (RIGHT) Informational board gives heritage of Chumash Native Americans in Isla Vista. **(c)** (BELOW) Beach Access at Camino Pascadero Park, Notation #3. **(d)** (BOTTOM) Even on the stairway to beach, native low-impact landscaping is used on the cliffs.

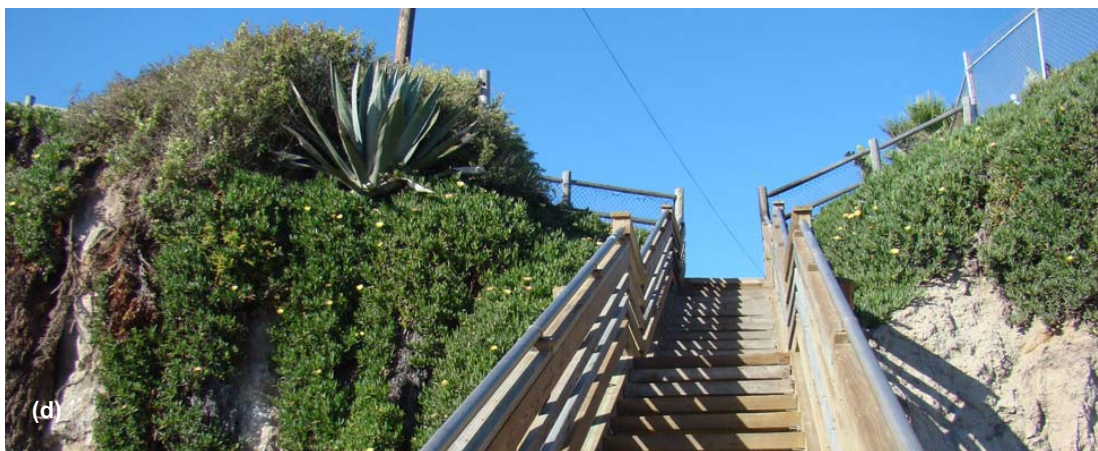


FIGURE 173. IVRPD (v)



FIGURE 174. IVRPD (vi)



(a)



(e)



(b)

(CLOCKWISE) (a) (TOP) Home made park bench at a central position in the Neighborhood Children's Park, Notation #4. (b) (ABOVE RIGHT) New equipment was installed at the Children's Park in 2007. (c) (RIGHT) A vernacular-esque bus stop tops the Children's Park. (d) (BOTTOM LEFT) Gazebo provides shading and a space for protected play in Children's Park. (e) (ABOVE) Mural depicting Aztec ball sports decorates the Children's Park bathrooms and storage facility.



(c)



(d)

FIGURE 175. IVRPD (vii)



(CLOCKWISE) **(a)** (TOP) IVRPD District Office, Notation #8, in the downtown business neighborhood of Isla Vista. Symbolically replacing the gas pumps there in 1970, a massive mature palm tree marks the location of the District's headquarters. **(b)** (RIGHT) After years of non-mechanized park maintenance, in the mid-1990s, the IVRPD gained a more professional image with improved equipment. **(c)** (BELOW) Façade of the IVRPD District Office, Notation #8.



FIGURE 176. IVRPD (viii)



(CLOCKWISE) (a) (TOP) Equipment yard of the IVRPD District Office, Notation #8. (b) (ABOVE) IVRPD's community board at the District Office. (c) (BOTTOM) Isla Vista Food Co-op located directly behind IVRPD District Office, a remaining "alternative" organization from 1970. (d) (LEFT) Take It/Leave It Communal Sharing Depo at the IVRPD District Office, Notation #8.



FIGURE 177. IVRPD (ix)



(a)



(d)

(CLOCKWISE) (a) (TOP) Old growth oak orchard of Estero Park, Notation #9. (b) (BELOW) Estero Park is lined by high-density apartments on the north edge. In the distance, the Santa Ynez Mountains frame the view from Isla Vista. (c) (BOTTOM) In 1998, the historic “Pink House” was demolished to make way for this YMCA Teen Center where youth programs are hosted for residents. (d) (LEFT) Sign for Estero Park, Notation #9.



(b)



(c)

FIGURE 178. IVRPD (x)



FIGURE 179. IVRPD (xi)

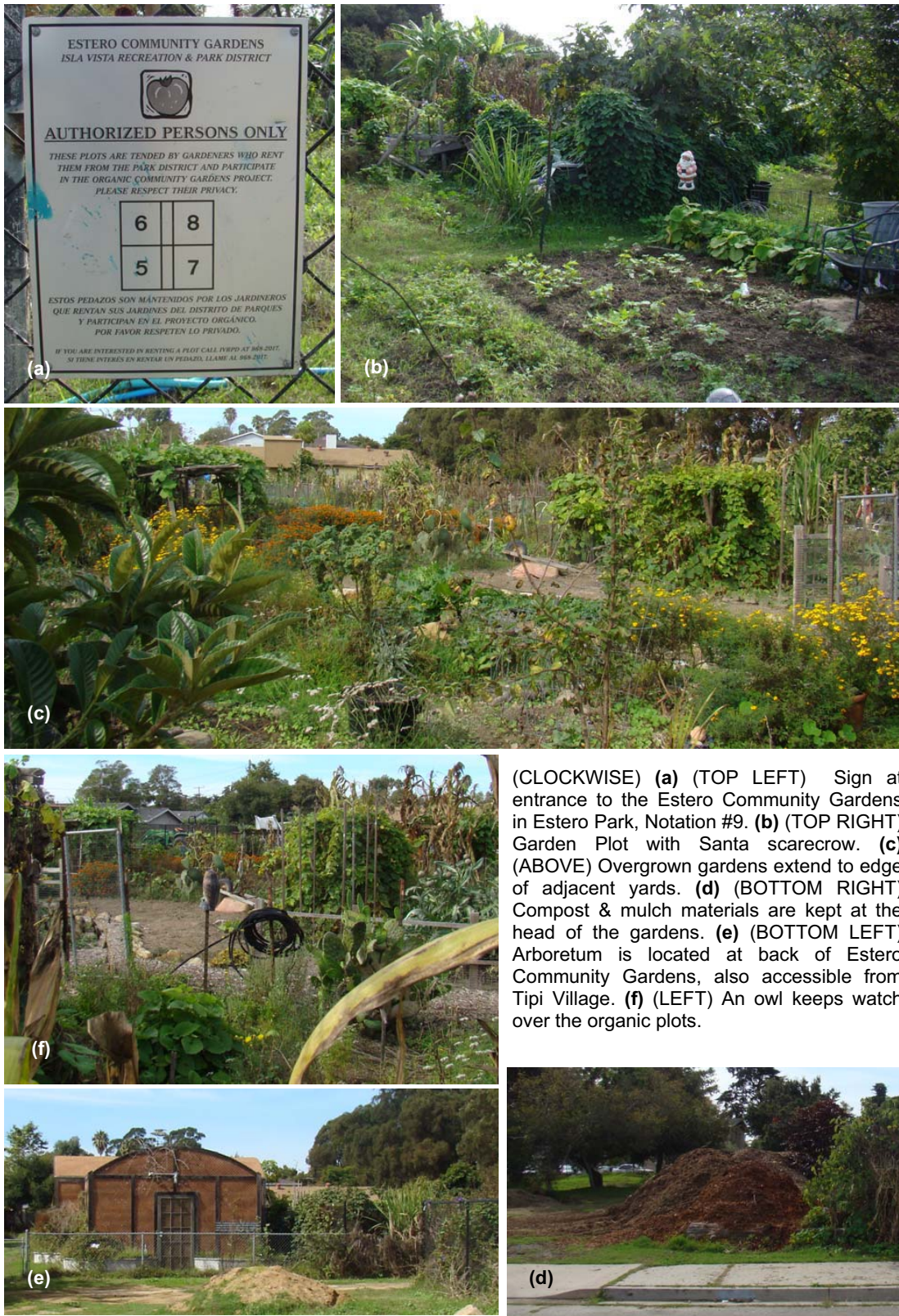


FIGURE 180. IVRPD (xii)



FIGURE 181. IVRPD (xiii)



(CLOCKWISE) (a) (TOP) Sign into Greek Park, Notation #11. (b) (TOP RIGHT) Volleyball in Greek Park. (c) (RIGHT) A green lawn segways between the volleyball and basketball courts. (d) (BELOW) Basketball at Greek Park. (e) (BOTTOM) Fraternities and sororities have systemically "tagged" their park with micro-murals at Greek Park, Notation #11.



FIGURE 182. IVRPD (xiv)



(CLOCKWISE) **(a)** (TOP) Entry into Kid's Trail Park, Notation #12. Note the powerline easement running through the park. **(b)** (RIGHT) Massive eucalyptus trees demarcate Isla Vista and UCSB border at Kid's Trail Park. **(c)** (BELOW) Half-court basketball tops the Kid's Trail Park. **(d)** (ABOVE) Abundant native landscaping makes the trail an engaging walk.

FIGURE 183. IVRPD (xv)



(CLOCKWISE) (a) (TOP LEFT) Sign into Little Acorn Park, Notation #13. (b) (ABOVE) A small orchard lines park sidewalks. (c) (BELOW RIGHT) Dirt paths predominant the Little Acorn Park. (d) (BOTTOM) Panoramic of the triangular park, at left is the St. Athanasius Church. (e) (BELOW LEFT) A storage shed is all that is left of the iconic lathehouse that attracts Isla Vista's homeless. (f) (LEFT) A sculptural memorial is a focal point for the Little Acorn Park, built for four victims of a tragic collision in Isla Vista.

FIGURE 184. IVRPD (xvi)



(CLOCKWISE) (a) (TOP LEFT) Sign into Pardall Gardens, Notation #14. (b) (TOP RIGHT) Pardall Gardens is small, but perfect for respite. (c) (ABOVE) Pardall Gardens offers car sharing amenities. (d) (BELOW) Pardall Gardens acts as a gateway park into Isla Vista from UCSB. (e) (BOTTOM) One block from Pardall Gardens is the primary passageway through the "eucalyptus curtain" from Isla Vista to UCSB. (f) (LEFT) Contrasting Flora of Pardall Gardens, Notation #14.

FIGURE 185. IVRPD (xvii)



FIGURE 186. IVRPD (xviii)



(CLOCKWISE) (a) (TOP LEFT) Gateway sign into Perfect Park, Notation #17. (b) (TOP RIGHT) From the parking lots, the Perfect Park appears as undeveloped rambles in front of temporary buildings. (c) (ABOVE RIGHT) The parking lot at Perfect Park hosts homeless living in their vans. (d) (RIGHT) Peace Memorial at Perfect Park, Notation #17. (e) (BOTTOM) Native grasses and berms express an indigenous linguistic expression of park development at Perfect Park, No. #17.

FIGURE 187. IVRPD (xix)

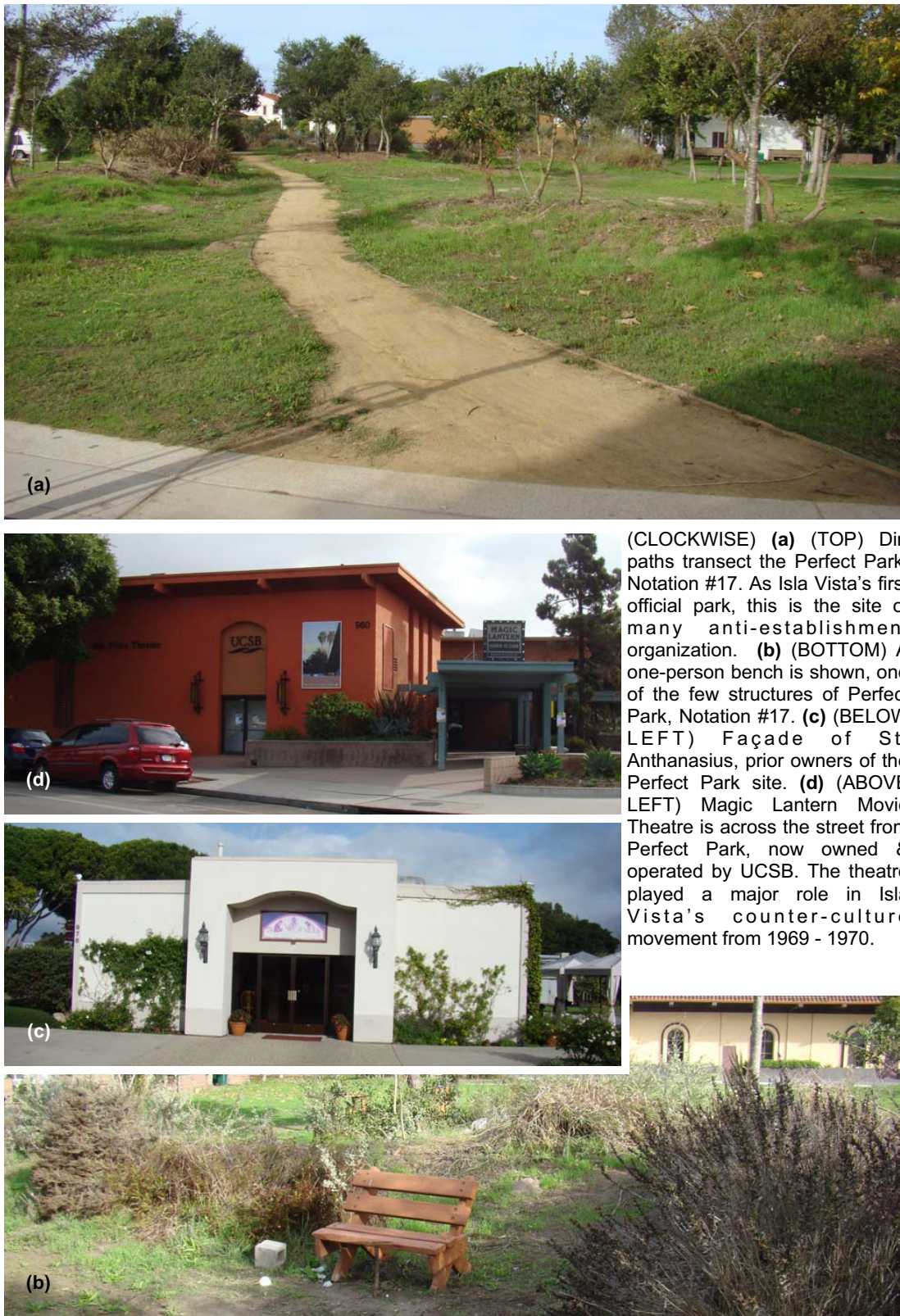


FIGURE 188. IVRPD (xx)



FIGURE 189. IVRPD (xxi)



(CLOCKWISE) (a) (ABOVE LEFT) Picnic tables at Sueno Park, Notation #21. (b) (TOP) Sueno Park, Notation #21. (c) (ABOVE RIGHT) A small grove of trees in the rear of Sueno Park. (d) (RIGHT) New children's equipment at Sueno Park. (e) (RIGHT BELOW) Sign at entrance of Camino Corto Open Space, Notation #2. (f) (BOTTOM) Path to enter Camino Corto Open Space trails. (g) (BELOW) Mulch is stored at the head of the Camino Corto Open Space entrance.



FIGURE 190. IVRPD (xxii)



(CLOCKWISE) (a) (LEFT) Terra de Fortuna Park, Notation #22. (b) (ABOVE LEFT) Gazebo at Terra de Fortuna Park. (c) (TOP) Entrance to Terra de Fortuna Park, Notation #22. (d) (ABOVE RIGHT) Dinosaur and merry-go-round at Terra de Fortuna Park. (e) (BOTTOM) Edges of Terra de Fortuna Park are clear with mature landscaping.

FIGURE 191. IVRPD (xxiii)



(b)



(c)



(a)

(CLOCKWISE) (a) (LEFT) Disc golf hole at Tipi Village, Notation #23. (b) (TOP) Sign at Tipi Village, Notation # 23. (c) (TOP RIGHT) Disc golf box at Tipi Village. (d) (BELOW) Back of Tipi Village spills into adjacent Estero Park. (e) (BOTTOM) Tipi Village, former home of a commune, is empty today.

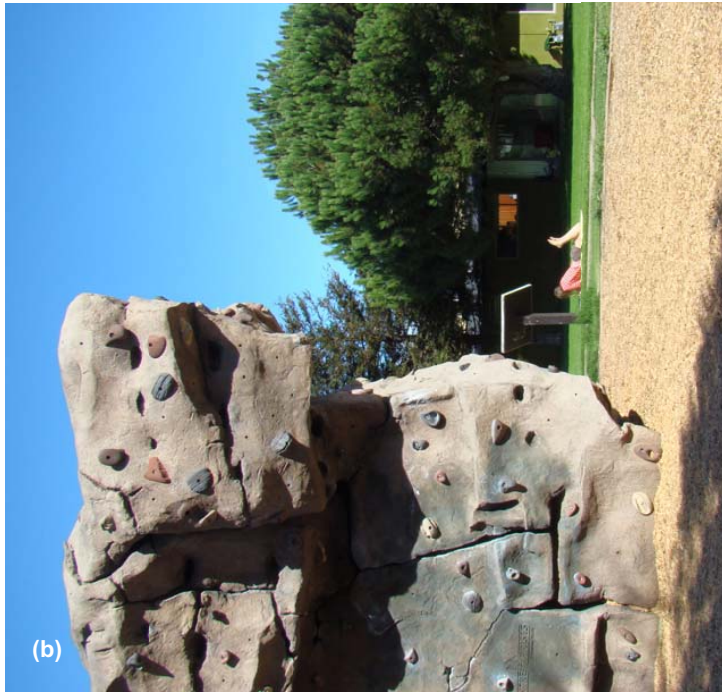


(d)



(e)

FIGURE 192. IVRPD (xxiv)



(CLOCKWISE) (a) (TOP) Trigo-Pasado Park, Notation #24. (b) (RIGHT) Sunbather studies beside rock wall at Trigo-Pasado Park, Notation #24. (c) (BOTTOM RIGHT) Trigo-Pasado Park acts as a front yard to the dense neighborhood. (d) (BOTTOM LEFT) Local bikes are stored at the easy to reach park. (e) (MIDDLE LEFT) Apartments exit directly onto park grounds. (f) (IMMEDIATELY BELOW) Rock formations create a natural feel to the Trigo-Pasado Park.



FIGURE 193. IVRPD (xxv)



FIGURE 194. IVRPD (xxvi)



FIGURE 195. IVRPD (xxvii)



(CLOCKWISE) (a) (LEFT) Over-parked across from Trigo-Pasado Park. (b) (TOP) House across from Sea Outlook Park in the R-1 homeowner's neighborhood. (c) (BOTTOM) Houses off Del Playa Drive resemble perpetual recreation pads. This house is across from Camino Pascadero Park and features party tables and sunbathers in the middle of October 2009.



FIGURE 196. IVRPD (xxviii)

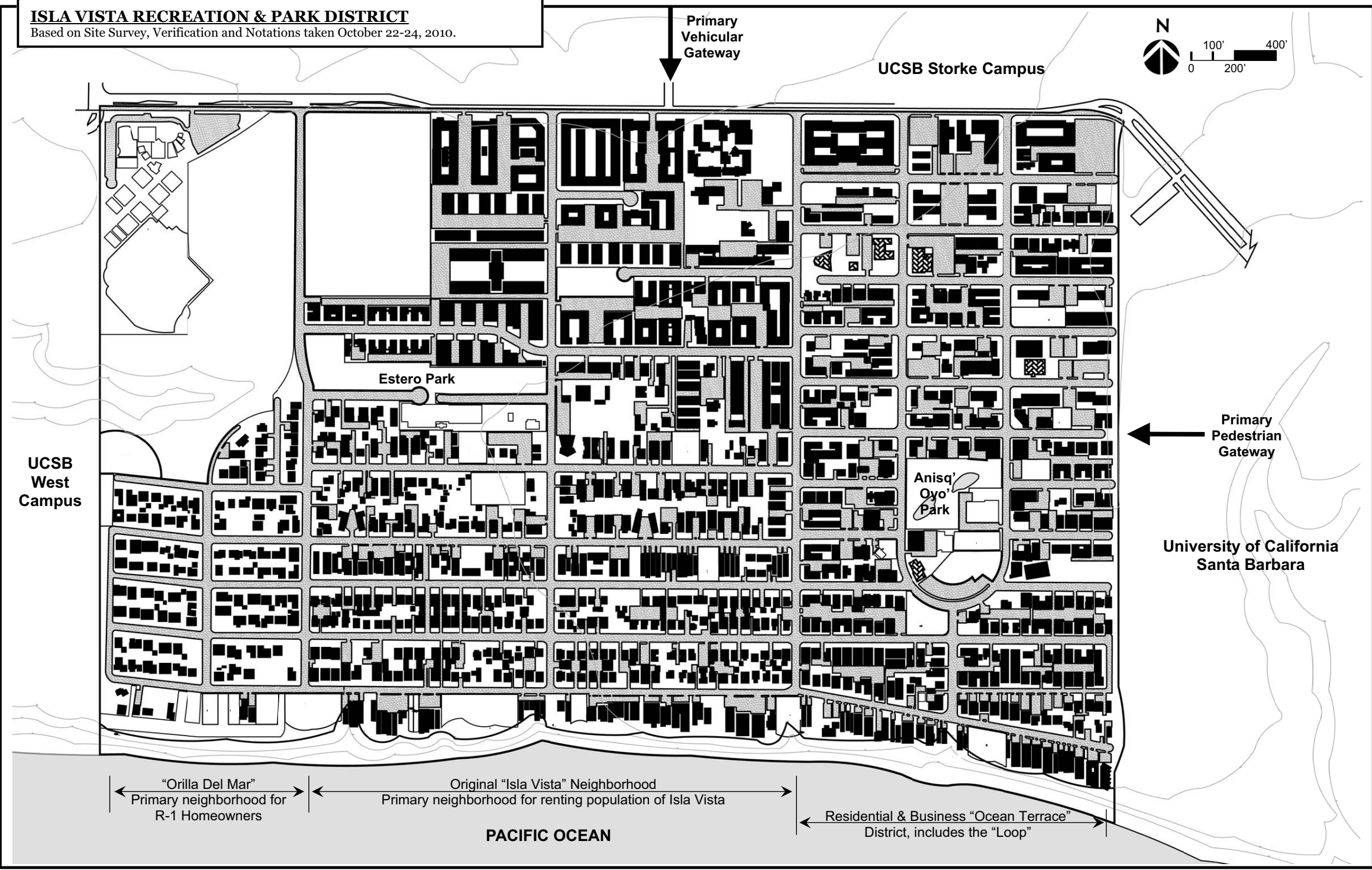


FIGURE 197. Site Plan of IVRPD

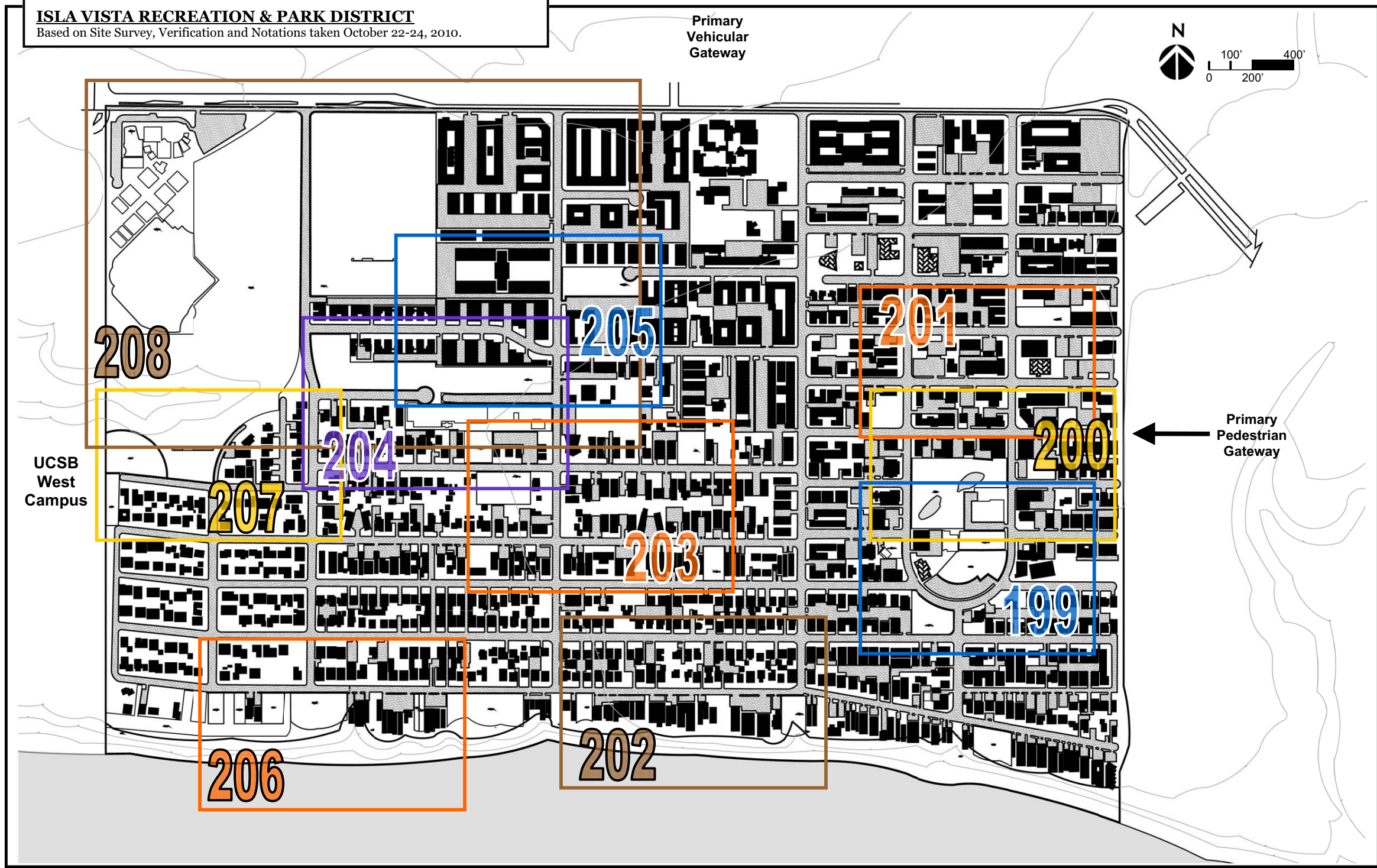


FIGURE 198. Index Plan of IVRPD

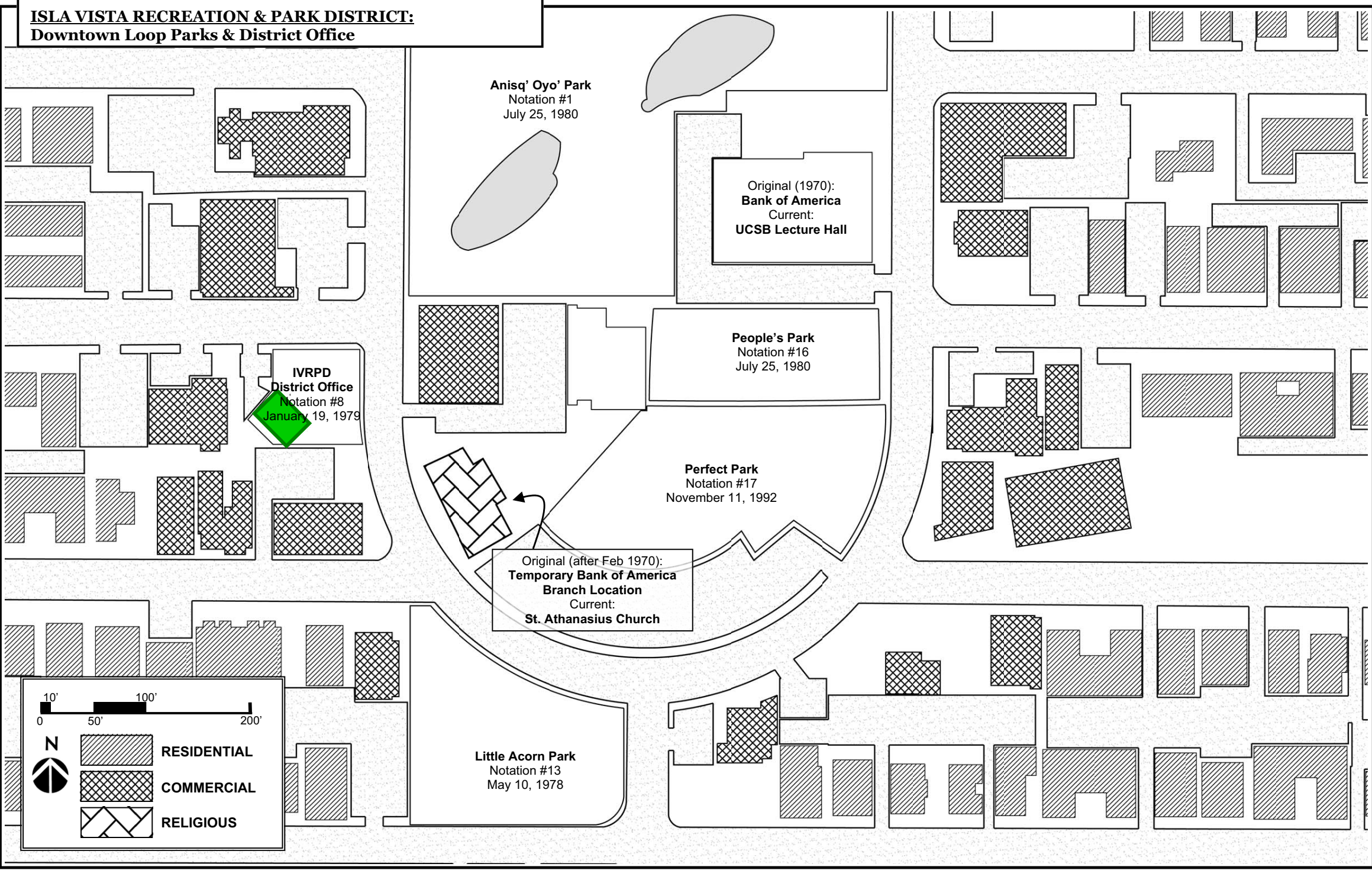


FIGURE 199. Loop Parks

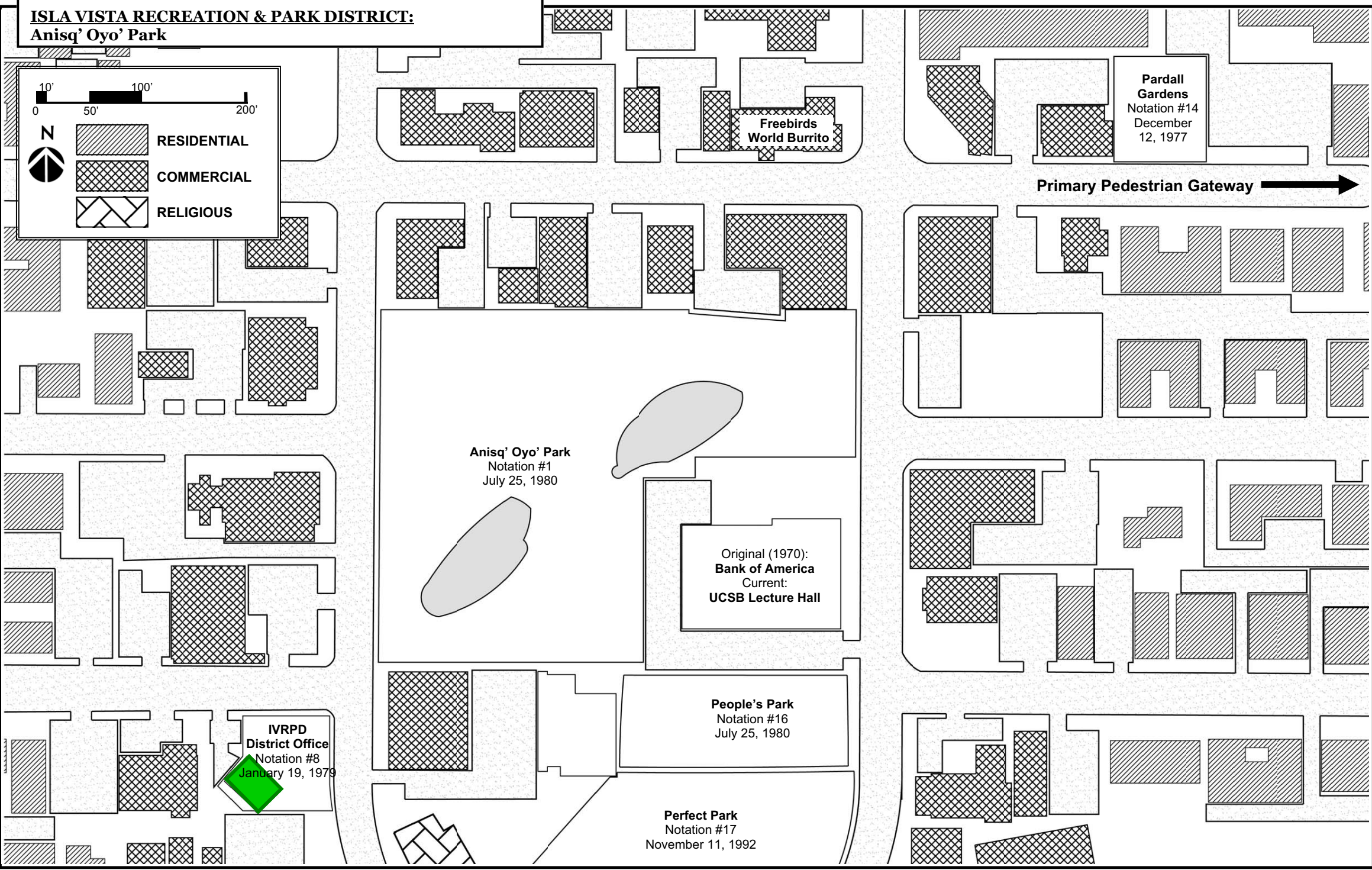


FIGURE 200. Anisq' Oyo' Park

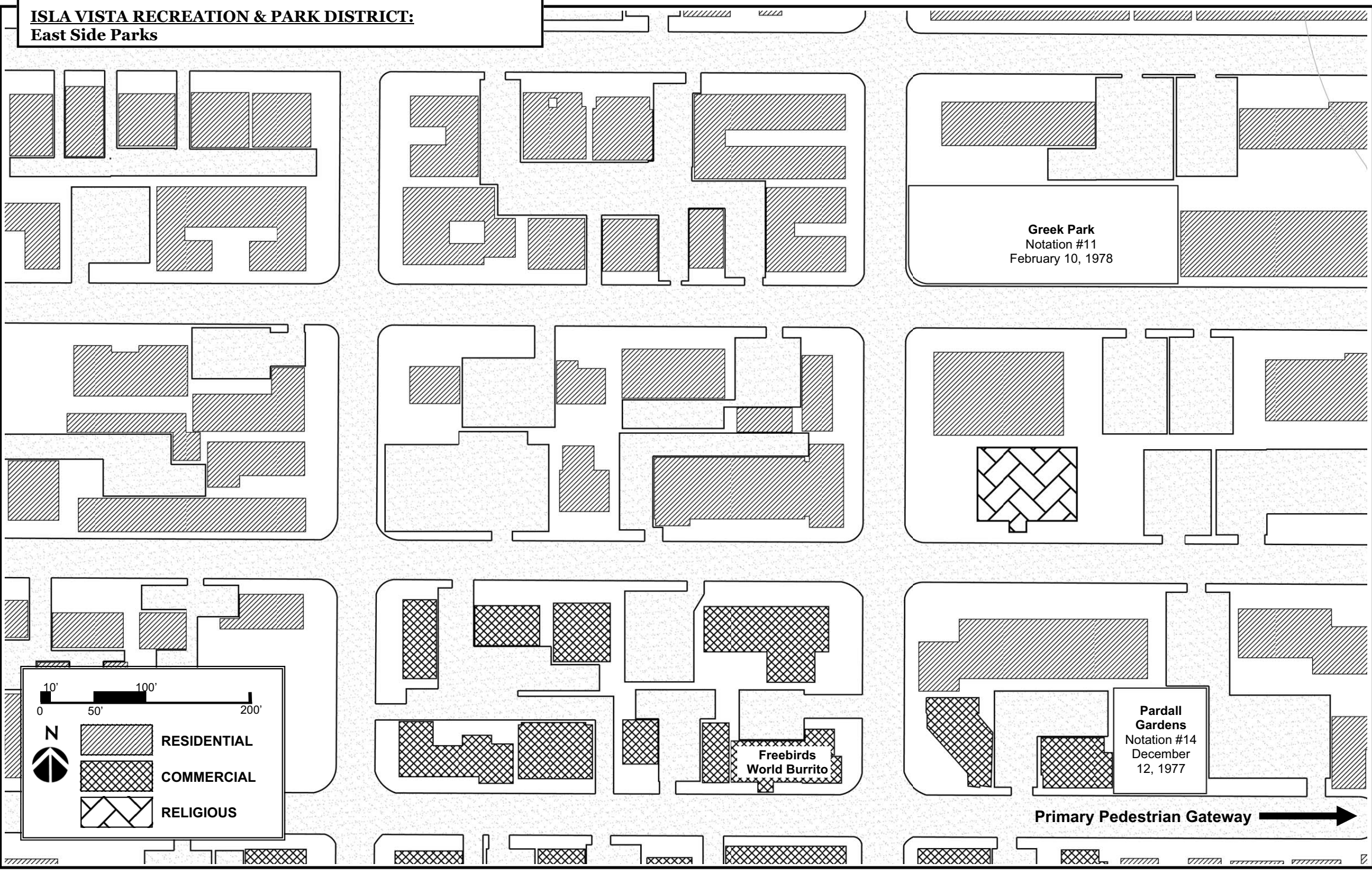


FIGURE 201. East Side Parks



FIGURE 202. Beachside Parks



FIGURE 203. Neighborhood Parks

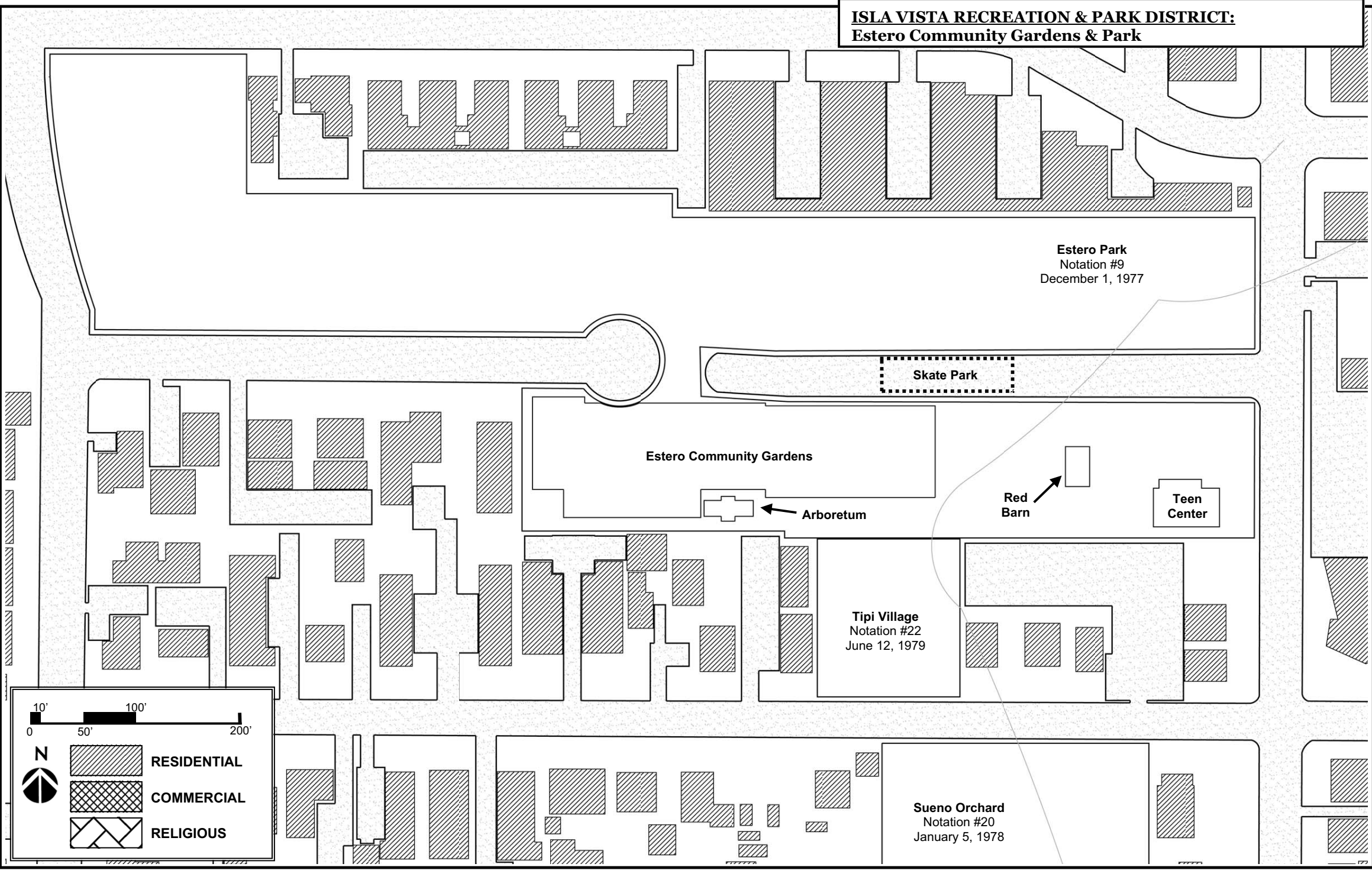


FIGURE 204. Estero Park

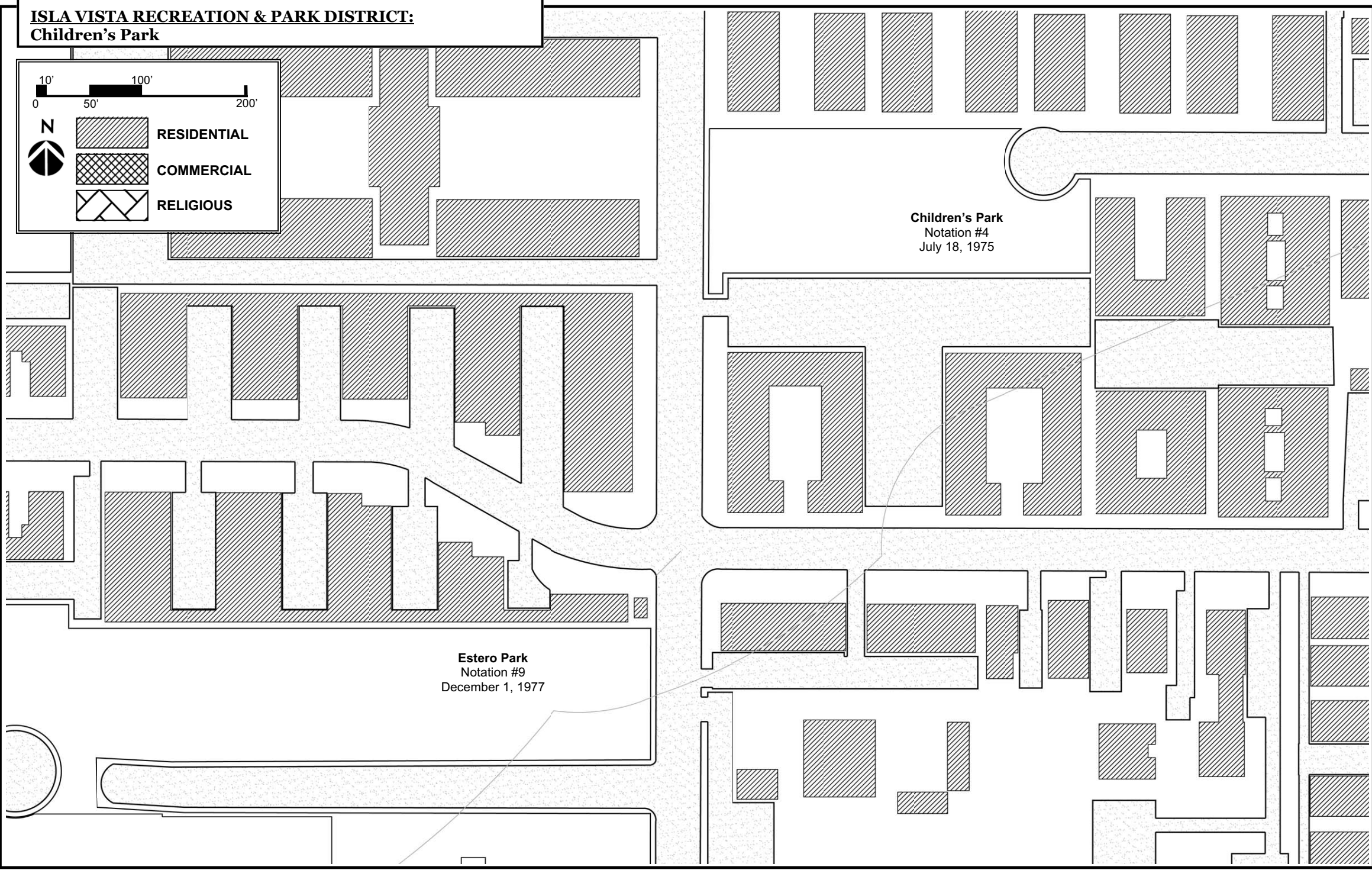


FIGURE 205. Children's Park



FIGURE 206. Ocean Bluff Parks



FIGURE 207. West End Parks

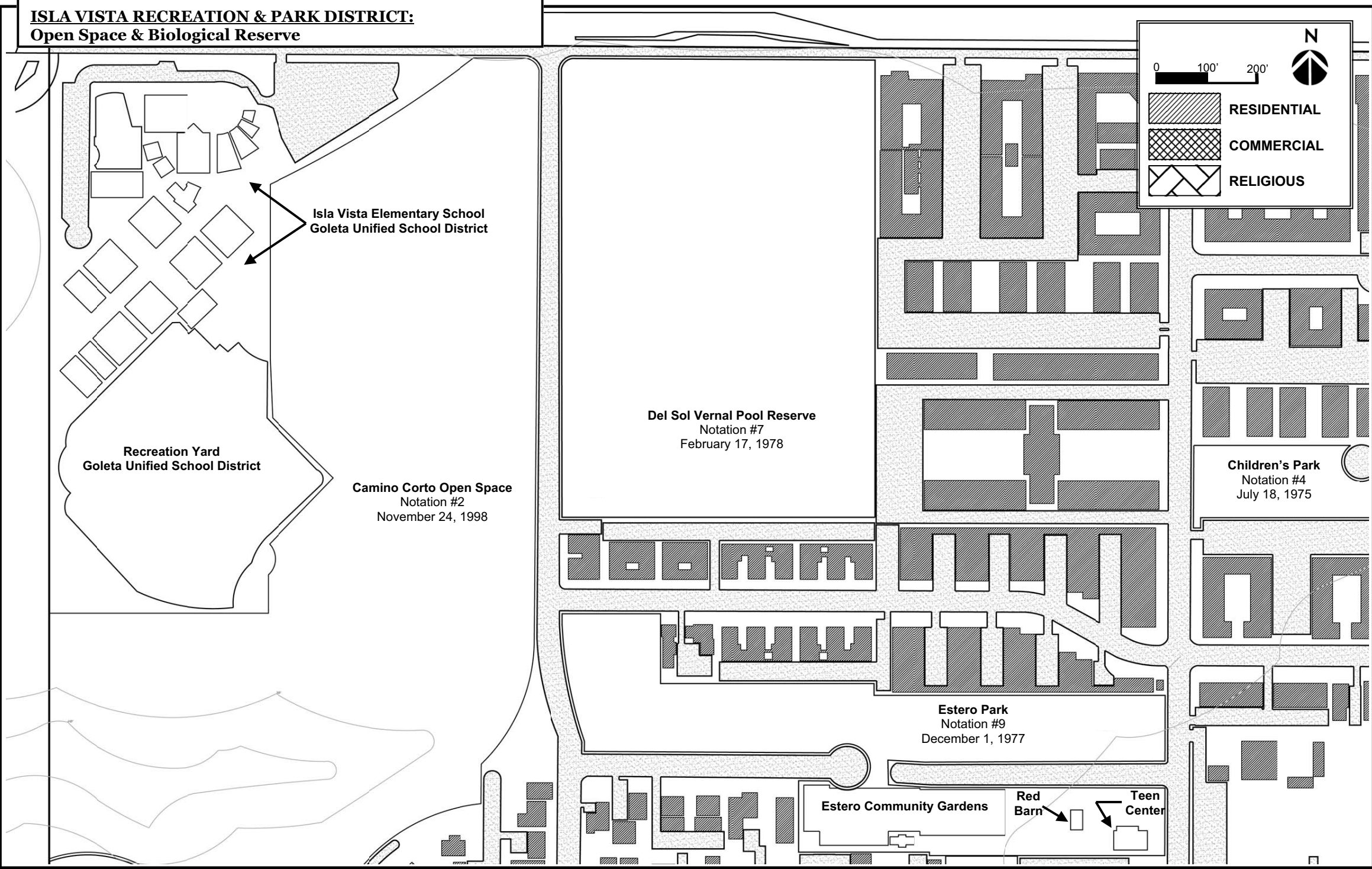
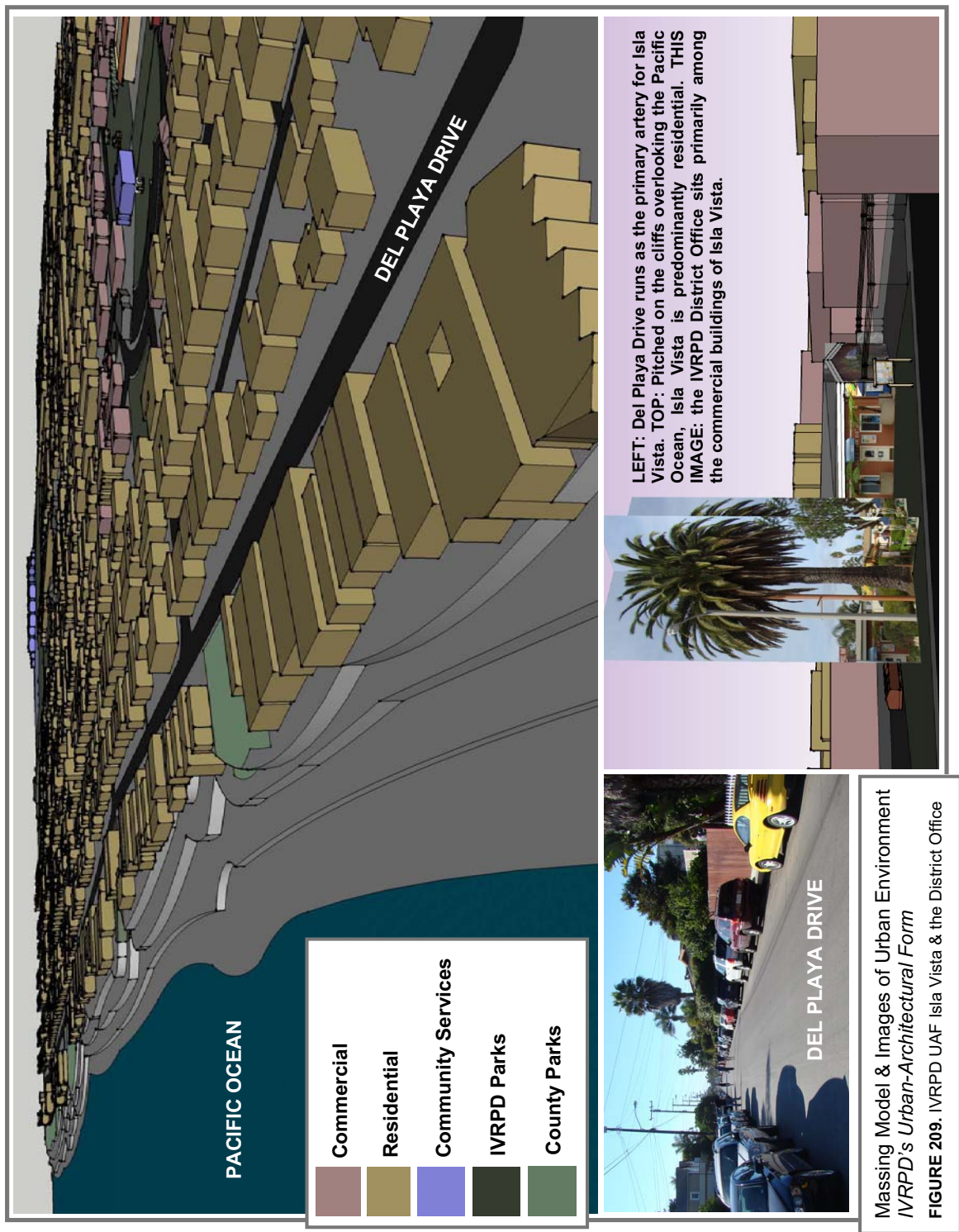
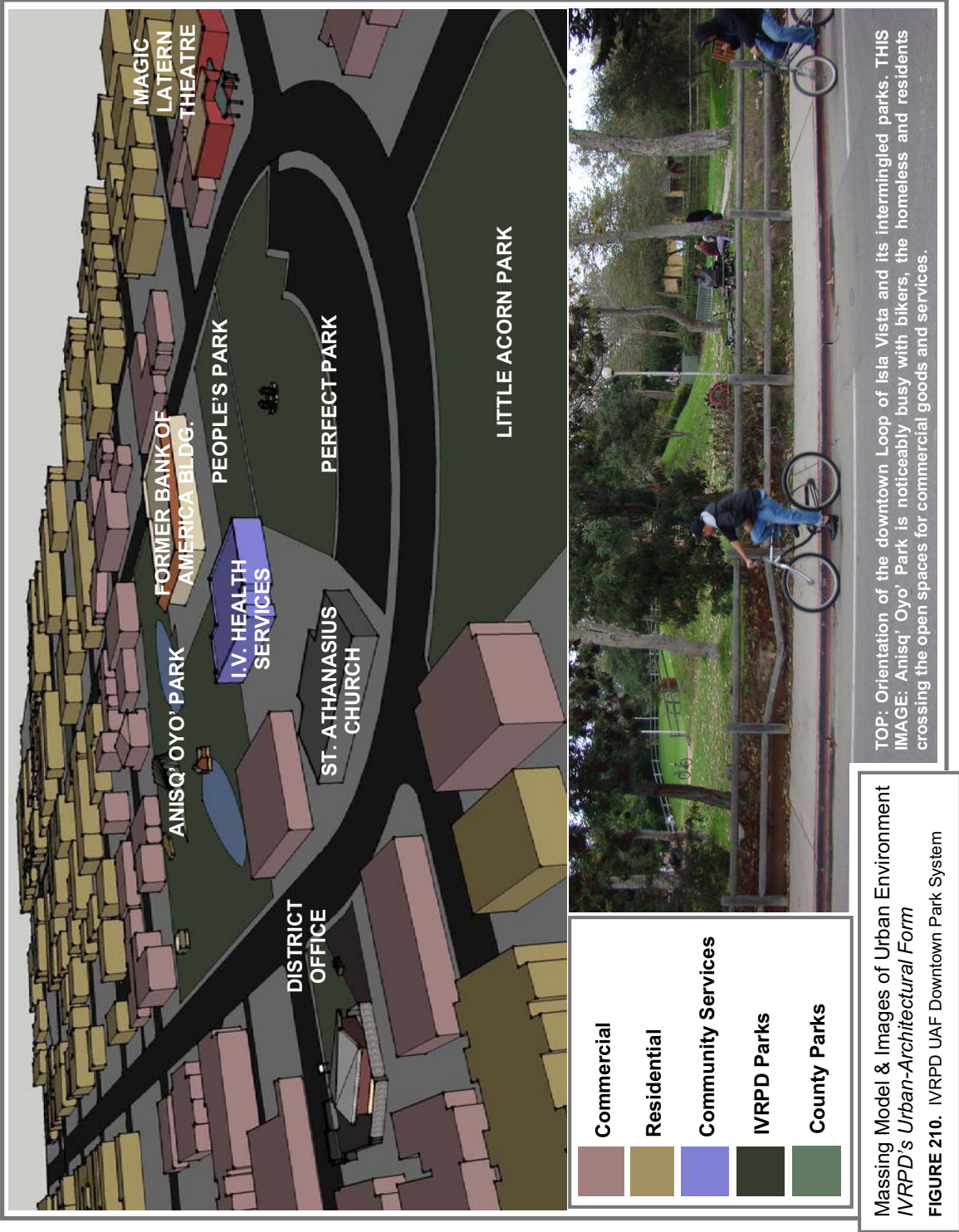
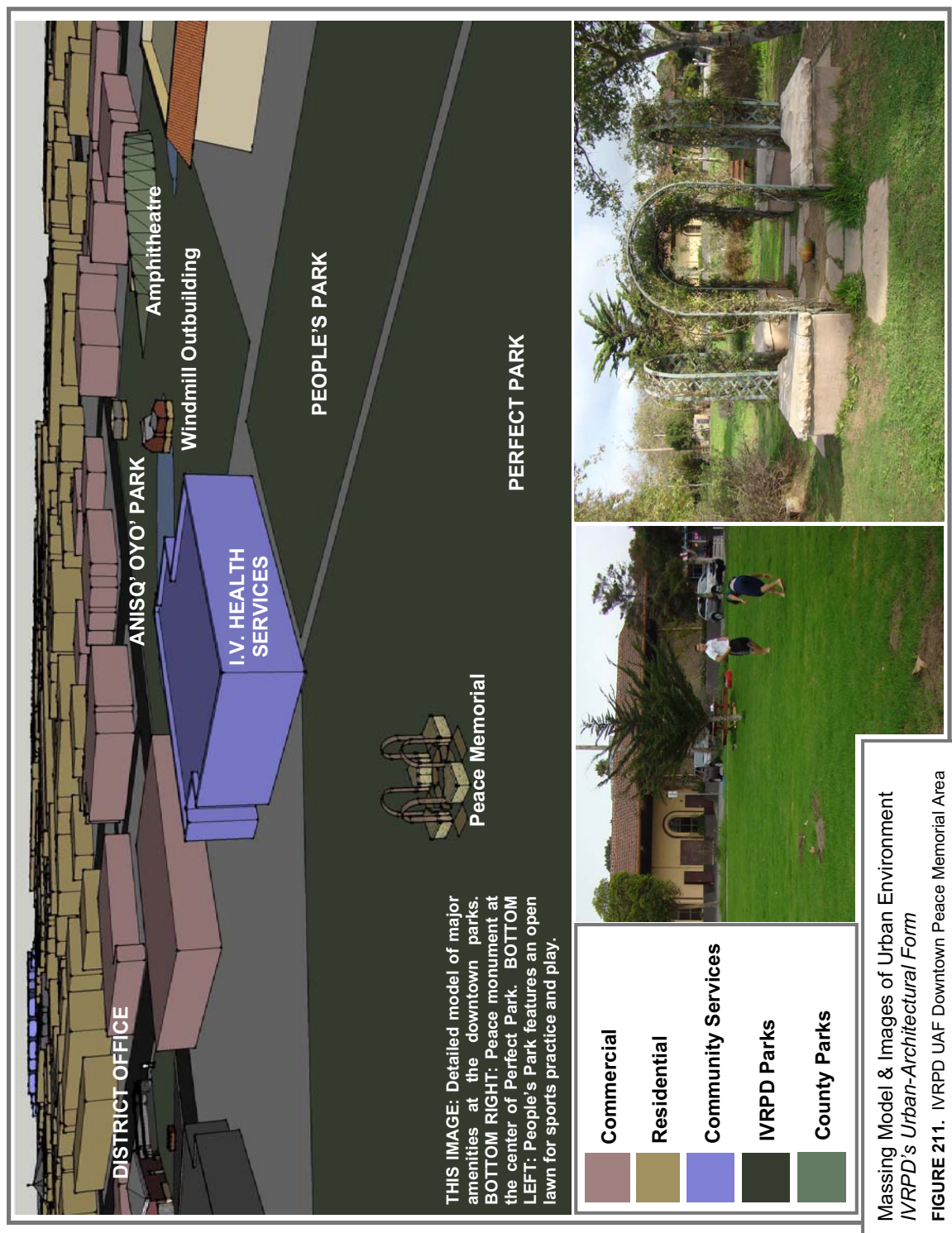


FIGURE 208. Open Space Preserve

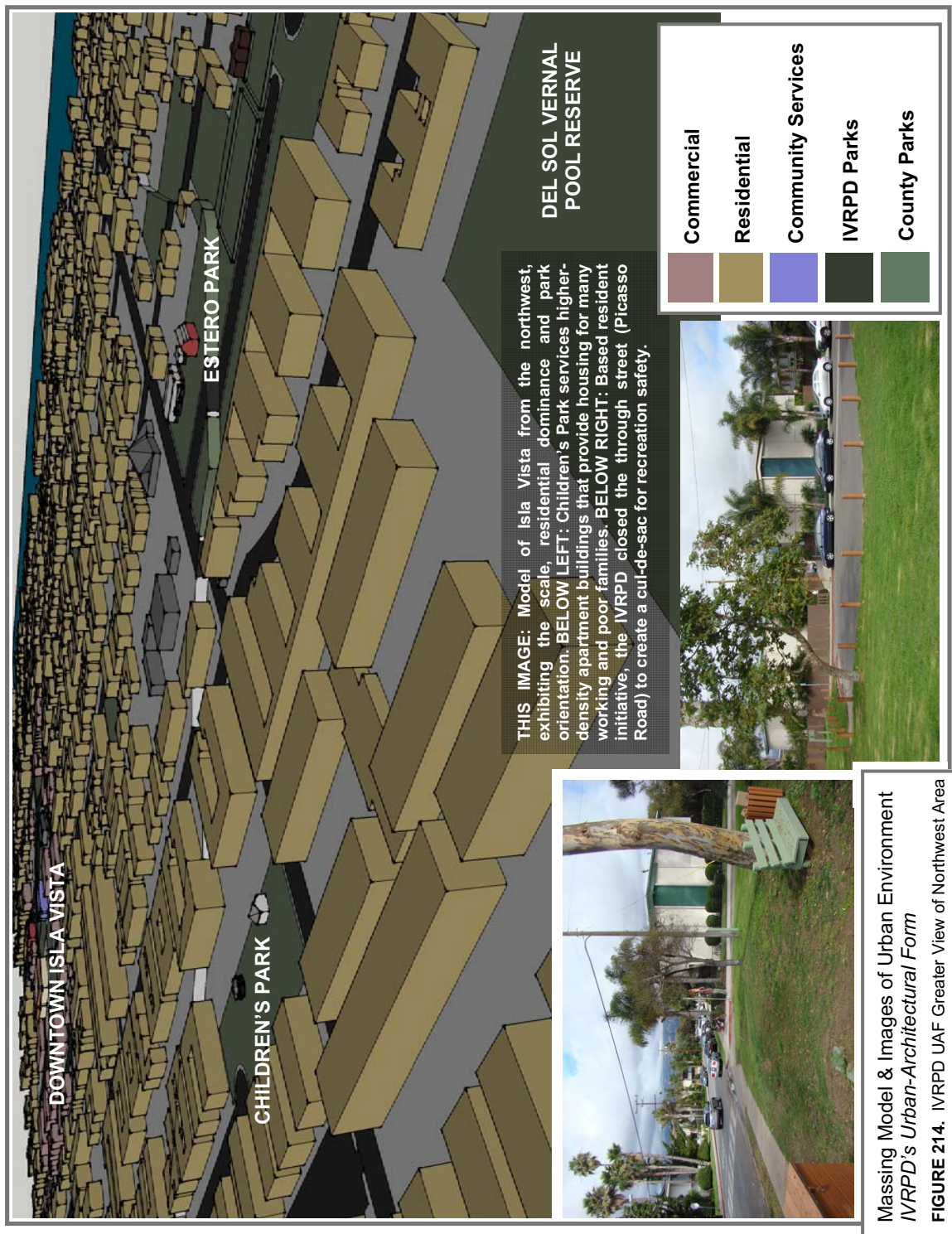


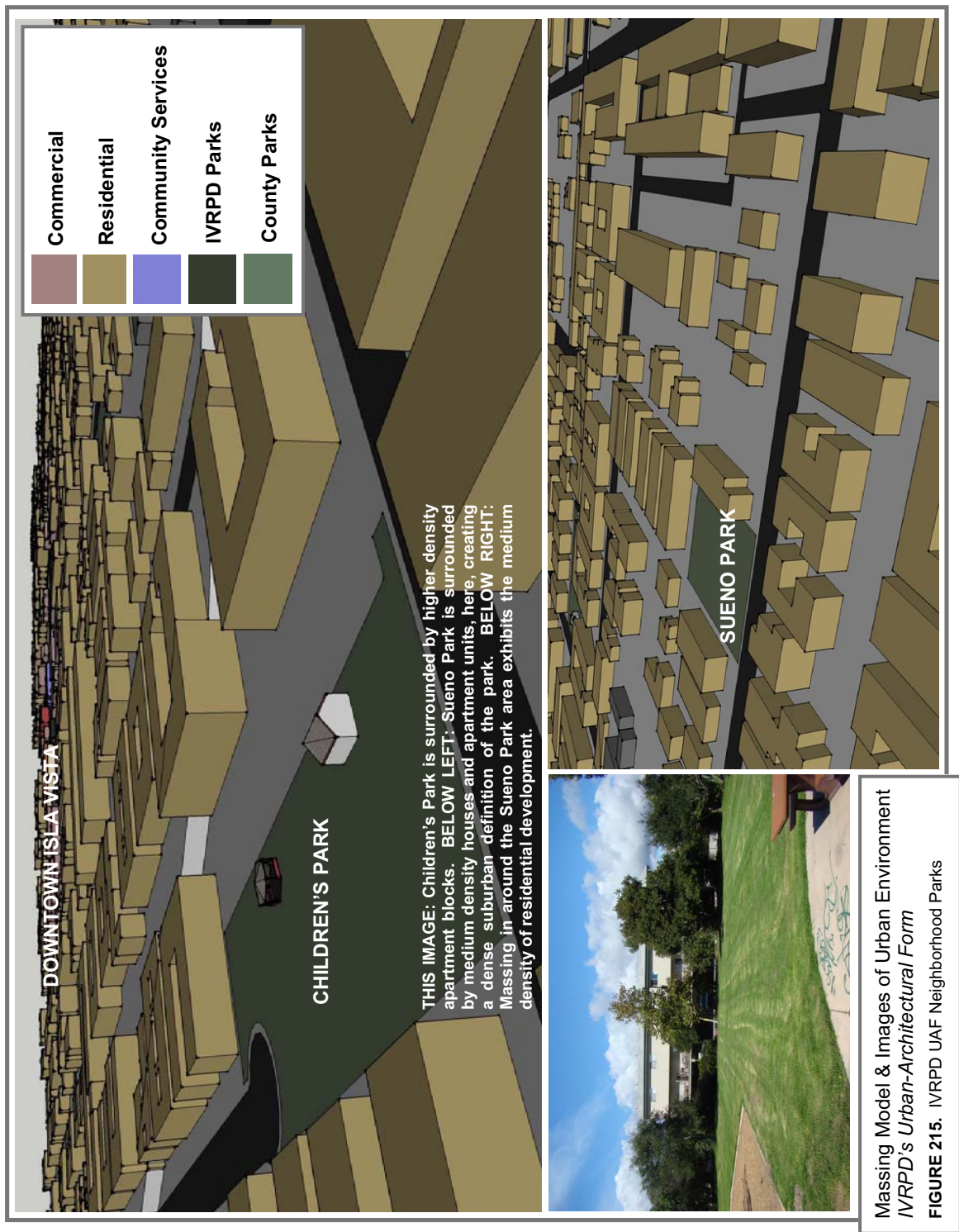


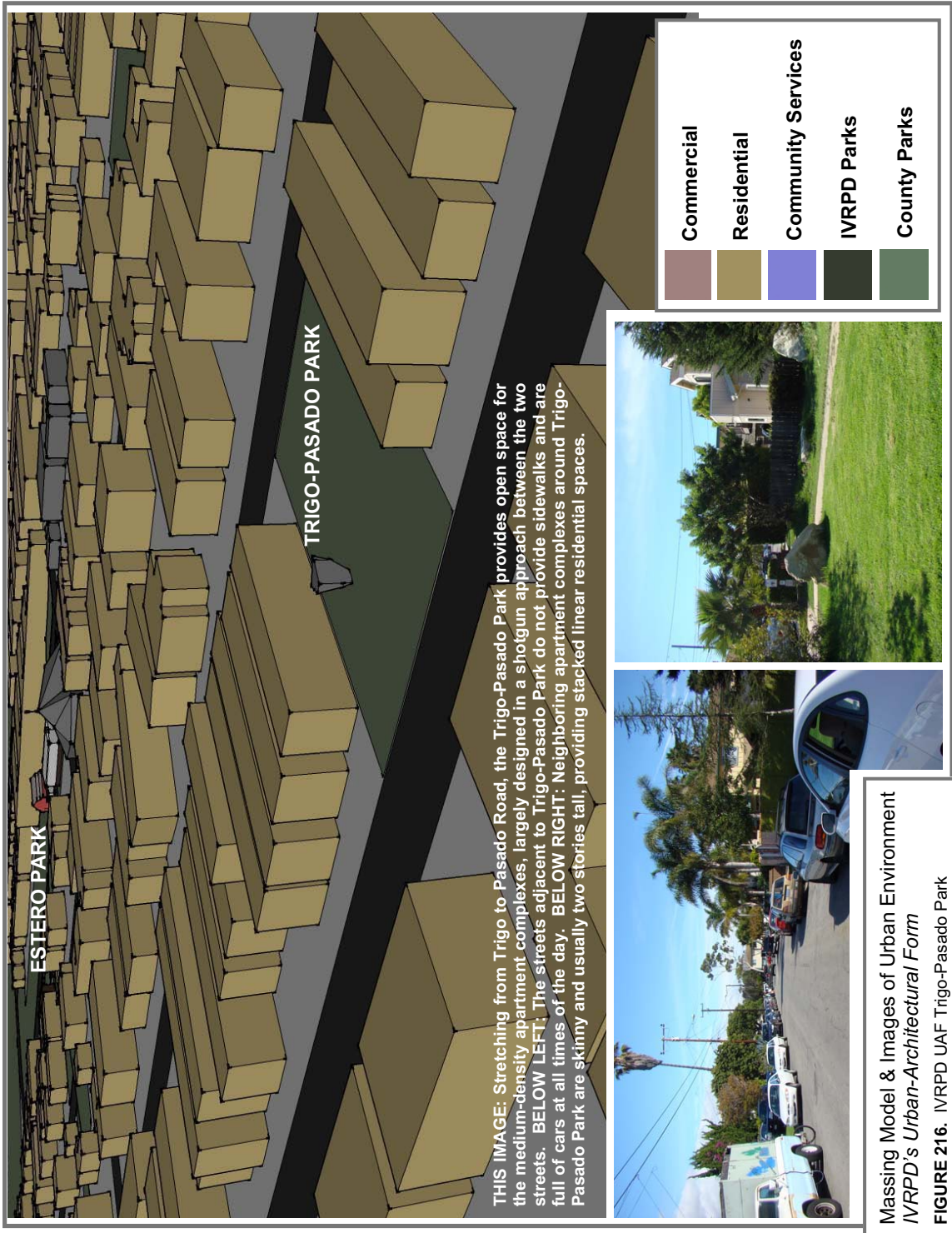


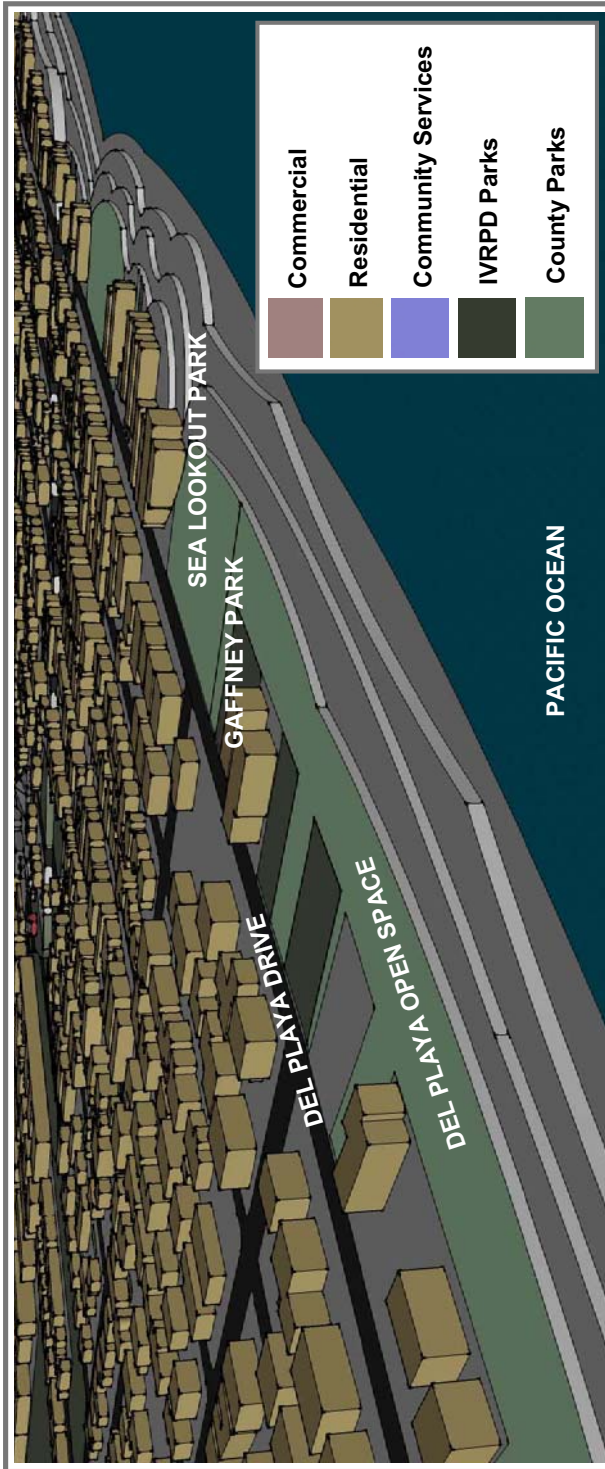












TOP: Perspective of “Bluff” area of Isla Vista. LEFT: Most beach-side residential parcels are only 25 feet wide, creating skinny, dense apartment “beach houses,” costing as much as \$1,000 per bed in monthly rent. MIDDLE: Bluff open spaces allow a connection to adjacent ocean. RIGHT: The skinny, dense beach houses stretch along most of Del Playa.

Massing Model & Images of Urban Environment
 IVRPD's Urban-Architectural Form
FIGURE 217. IVRPD UAF “Save the Bluff” Parks

D.4.1. The Human Situation

Isla Vista is a quintessential California beach community accessible to those young people that can both afford to live there and bare the living conditions. Surfing, skate boarding, Frisbee golf, DP parties (“DP” is an acronym for the street that runs parallel to the beach “Del Playa”), and shoreline walks under the setting sun over the Pacific Ocean are all common in Isla Vista. It’s no wonder that the students that live in Isla Vista regularly prolong their undergraduate education to five or six years so as to consciously soak up the lifestyle. One of the best known former Isla Vista residents is Jack Johnson, a popular musician and environmental activist that graduated with a film degree at the UCSB in the late 1990s. His debut studio album “Brushfire Fairytales” was written in and about Isla Vista, including the song *Bubble Toes*, a song written about his future wife:¹⁰⁷⁹

*It's as simple as something that nobody knows
that her eyes are as big as her bubbly toes
on the feet of a queen of the hearts of the cards
and her feet are all covered with tar balls and scars
It's as common as something that nobody knows
that her beauty will follow wherever she goes
up the hill in the back of her house
in the would she love me forever,
I know she could*

*I remember when you and me mmm
how we used to be just good friends
Wouldn't give me none
But all I wanted was some
She's got a whole lot of reasons
She can't think of a single one
That can justify leaving
and he got none but he thinks he got so many problems
Man he got, too much time to waste...¹⁰⁸⁰*

Johnson has also discussed the Isla Vista origins of *Do You Remember* from the 2005 album “In Between Dreams.” In this song, a tree house is built and then burns down, one that Johnson has divulged was built on the Lagoon Island of the University of California, Santa Barbara [hereafter “UCSB”]. Today, this island is control-burned each year to avoid massive fires that could destroy

¹⁰⁷⁹ Nicki Arnold, *Isla Vista's 25 Things*, SANTA BARBARA INDEPENDENT (Feb. 12, 2009).

¹⁰⁸⁰ JACK JOHNSON, *Bubble Toes*, BRUSHFIRE FAIRYTALES (Brushfire Records 2001). Lyrics are posted on the anthology website at <<http://jackjohnsonmusic.com/music/detail/brushfirefairytales/>> under the link “6. Bubble Toes.”

the island's trees like the one Johnson enjoyed, as the trees have been replanted since the big fire of the late 1990's.¹⁰⁸¹

According to the landlords of 6616 Sabado Tarde in Isla Vista, while a student at UCSB Jack Johnson lived in this four-bedroom home that can accommodate up to 13 residents for \$8,495 per month.¹⁰⁸² Typical of the homes that rent in the SR-M (Student Residential Medium Density) zone, this home averages \$2,124 per room per month, and if filled to capacity will run \$653 per person per month. The landlord over 6616 Sabado Tarde offers five properties altogether in Isla Vista, enough to house 41 residents at an average of \$442 per person per month, assuming that applicants are willing to bunk *three* residents per room.¹⁰⁸³ Isla Vista is long considered one of the densest clustering of student-residents in the nation, as there are approximately 23,000 people living in the unincorporated community, 77% of which are white with a median age of 21.¹⁰⁸⁴ Young people have been living in this community at a high density since the late 1960's.

In the 1950's, Isla Vista was simply an idea of a community, with only a few houses and empty streets overlooking the ocean and the islands in the distance. Faculty, students and holdover oil speculators lived in the unrealized neighborhoods, waiting for their boom-town to spring. Just two streets down from Jack Johnson's former rental unit, it is asserted by local lore that Aldous Huxley stayed at least a time at the home of Santa Barbara Professor Douwe Stuurman in Isla Vista.¹⁰⁸⁵ Stuurman at the time lived on Del Playa in a home that overlooked the channel over to the Santa Rosa and Santa Cruz Islands. Southern California in the 1950s was a notable time for early drug experimentation,¹⁰⁸⁶ and Huxley was not one to shy away from new experiences, evidenced in his writing about his first LSD trip:

By a series of, for me, extremely fortunate circumstances I found myself, in the spring of 1953, squarely athwart that trail. One of the sleuths had come on business to California. In spite of seventy years of mescaline research, the psychological material at his disposal was still absurdly inadequate, and he was anxious to add to it. I was on the spot and willing, indeed eager, to be a guinea pig. Thus it came about that, one bright May morning, I swallowed four-tenths of a gram of mescaline dissolved in half a glass of water and sat down to wait for the results.¹⁰⁸⁷

¹⁰⁸¹ *Lagoon Island Prescribed Burn*, UNIVERSITY OF CALIFORNIA, SANTA BARBARA (Jul. 6, 2011) <<http://www.pressr.edhat.com/site/tidbit.cfm?nid=60411>>.

¹⁰⁸² Jesse Lieber, *6616 Sabado Tarde: "The Jack Johnson House"*, BEACH TOWN RENTALS (2010) <http://beachtownrentals.com/Beach_Town_Rentals/6616_Sabado_Tarde_Goleta_CA.html>.

¹⁰⁸³ Jesse Lieber, *Properties*, BEACH TOWN RENTALS (2011) <http://beachtownrentals.com/Beach_Town_Rentals/Properties.html>.

¹⁰⁸⁴ *Isla Vista CDP, California: Fact Sheet*, U.S. CENSUS BUREAU (2010).

¹⁰⁸⁵ Dennis Judd, *The Defeat of the Youth* (Thesis), UNIVERSITY OF CALIFORNIA, SANTA BARBARA, 124 (Mar. 1990).

¹⁰⁸⁶ Steven J. Novak, *LSD Before Leary: Sidney Cohen's Critique of 1950s Psychedelic Drug Research*, 88 ISIS 1, 87 – 110 (Mar. 1997).

¹⁰⁸⁷ ALDOUS HUXLEY, *THE DOORS OF PERCEPTION*, 12 (1954).

As the opening setting of “Doors of Perception,” this essay was written in 1954 long after Huxley had moved from the United Kingdom to Southern California. At the time of publication, this essay was bundled with another essay written subsequently, “Heaven and Hell.” Both these titles are lifted from lines and the title of another book, one written by William Blake during a time of upheaval, namely the aftermath of the French Revolution. Years later, Huxley was the first visiting professor for the new Santa Barbara branch of the University of California system. Beginning February 1959, his semester-long lecture series was titled “The Human Situation.”¹⁰⁸⁸

As Huxley was known to drop acid a few times a year from the time of his first exposure in 1953 until his final deathbed acid trip, if one were to say Huxley was hallucinating while he gave these lectures, they could conceivably be right. Perhaps to the chagrin of the expectant spectators, he probably was not as the lectures were described as “very boring” with Huxley reading verbatim from his lecture notes for each presentation. Even so, the text of the actual lectures is enticing, as Huxley pushes the audience to accept a naturalistic, pacifist role as stewards in the civilization. Arguably setting the stage for Santa Barbara’s identity as an “eco-friendly New Age paradise,” Huxley proposed his audience reset their values in relation to the natural world, away from Western society:

The ethical point of view in which nature is regarded as having rights, and we are regarded as having duties, is not found within the Western tradition. Instead we have what seems to be a rather shocking formulation: that animals have no souls.

I feel this is a most undesirable doctrine.¹⁰⁸⁹

Although both the academic and civic identity of Santa Barbara today could arguably align fittingly to Huxley’s prescription that nature has rights and citizens have a duty to adhere to those rights, the front lines of this battle to break away from Western tradition in this naturalistic reformulation has been long fought in Isla Vista. Here, where Huxley supposedly spent his nights while lecturing at the young UCSB, references to his other essay “Heaven and Hell” would perhaps be more fitting for a lecture on the future of the small unincorporated community. In a decade’s time, Isla Vista would undertake an exercise to reset civilization and break away from the Western tradition inherited by the community’s young population. Much like Huxley describes himself in the opening of *Doors of Perception*, Isla Vistans set themselves out as a community open to new ideas and methods of social organization. In essence, they have

¹⁰⁸⁸ D.J. Palladino, *The 50th Anniversary of Aldous Huxley’s UCSB Lecture Series*, SANTA BARBARA INDEPENDENT (Mar. 24, 2009).

¹⁰⁸⁹ *Id.*

unintentionally created a living lab of civilization where they themselves have set out to be the guinea pigs of civic change.

D.4.1.1. Speculative Real Estate: A Trap is Laid for Easy Money

Established long before California became the counter-culture hotbed defined by the San Francisco Bay Area of the 1960s, this destination graced with a Mediterranean climate has eternally been known as a place that an entrepreneurial spirit can arrive with nothing, and in a few short years, become filthy rich. When I return to Texas and visit with friends, many times they mistakenly believe that California is the “Sunshine State,” confusing the largely desert state with Florida’s fitting trademark. Instead, they must be reminded that California is the “Golden State,” a place characterized by its collective dream to get rich over night, a concept originally characterized with the Gold Rush of 1949. This expectation of making money unsustainably fast dictated the logic of California resource development until the 1940s when the state was realigned both for military industrialization of the Second World War [hereafter “WWII”] and so as to ameliorate the economic pain of the Great Depression.

Isla Vista originated under such pre-WWII concepts of natural resource exploitation for immediate gain in 1926. After a major earthquake destroyed most of Santa Barbara in 1925, a small band of developers divided the contemporary half-mile square unincorporated area into three sections based on their adjacent land ownership association.¹⁰⁹⁰ The first group, John and Pauline Ilharreguy, were the first settlers of Isla Vista who gave the community its name, most of the street names, and defined the central residential lot sizes of the area between the streets Camino Corto and Camino Pescadero. The Ilharreguy’s purchased their land in 1915 for \$100 in gold, and on this original plot, a historical oak grove (See **FIGURE 178**) and the Red Barn (See **FIGURE 179**) are located near today’s Isla Vista’s YMCA teen center at Estero Park (See **FIGURE 178**).¹⁰⁹¹

Flanking the east side of the Ilharreguy property, Alfred Robertson and his business partner James Thompson were two attorneys who purchased and fittingly organized the central business district of Isla Vista. This neighborhood stretches from the street Camino Pescadero to the west edge of the UCSB campus. In their division of the property, a large semi-circle loop on the south half of the property orients the overall layout of the district. In the cup of this almost

¹⁰⁹⁰ ZIEGLER-McPHERSON, *supra* note 124, at 7.

¹⁰⁹¹ *Id.*

monumental urban plan, a community athletic field was intended where People's and Perfect Park are located today.¹⁰⁹²

On the west end of Isla Vista, four sisters from the same Moody family coordinated the remainder of Isla Vista on the west end, in the area between the streets Camino Corto and Camino Majorca. Along the beach, the sisters were responsible for dignifying the first, and until 1969 the *only* park in Isla Vista. Today this park is a handsome facility co-managed by the County of Santa Barbara and the Isla Vista Recreation & Park District, called Sea Lookout Park.¹⁰⁹³ To most Isla Vistans this park is simply known as the profane name given it before recent redevelopment: Dog Shit Park.

Together, these three groups of property owners came together and offered individual plots to investors in a uniquely speculative manner. Creating a dual purposed seaside residential community *and* oil development trust, when an investor purchased an individual lot in Isla Vista, they also purchased a share of all oil profits harvested from the tiny community. This strange arrangement envisioned an entire district whereby residents would inhabit homes that shared property with wells pumping "black gold" from the ground underfoot. This original double-down speculation was not a success.

Although a few lots were sold and some oil was discovered, there was never the big strike that would have transformed Isla Vista into the booming oil resort town its original planners had envisioned.¹⁰⁹⁴

Luckily for the remaining investors in the dream of a booming Isla Vista, a Japanese submarine commander Nishino Kozo shelled the Ellwood oil refinery on February 23, 1942.¹⁰⁹⁵ Less than two miles from Isla Vista, this bombardment did little physical damage to the actual wellhead, but instead led to a well documented invasion scare on the West Coast.¹⁰⁹⁶ Within four months in June of 1942, the small existing air field just north of Isla Vista was commissioned as a

¹⁰⁹² ZIEGLER-McPHERSON, *supra* note 124, at 7 – 8.

¹⁰⁹³ *Id.* at 8.

¹⁰⁹⁴ *Id.*

¹⁰⁹⁵ *California and the Second World War: The Shelling of Ellwood*, THE CALIFORNIA STATE MILITARY MUSEUM (Jul. 2011) <<http://www.militarymuseum.org/Ellwood.html>>.

¹⁰⁹⁶ One day later, the infamous "Battle of Los Angeles" occurred whereby four batteries of anti-aircraft artillery unleashed on what amounted to be a weather balloon. *See California and the Second World War: The Battle of Los Angeles*, THE CALIFORNIA STATE MILITARY MUSEUM (Jul. 2011) <<http://www.militarymuseum.org/BattleofLA.html>>. Worse than the scare caused in Los Angeles was the reactive internment of Japanese-Americans based on Executive Order 9066. On February 25, 1942, the internment process began in earnest when Japanese-Americans living in southern California were given 48 hours to leave and move into guarded "relocation" camps. *See Ina Satsuki, Timeline: WWII Internment Timeline*, CHILDREN OF THE CAMPS INTERNMENT HISTORY (1999) <<http://www.pbs.org/childofcamp/history/timeline.html>>.

training facility for Naval and Marine Air Groups.¹⁰⁹⁷ By December, the Marine Corps Air Station Santa Barbara was operational and used to train Marine Corps aviators.¹⁰⁹⁸

After WWII, a major landowner of the property north of Isla Vista lobbied heavily to convert the old training facility into a new branch of the University of California [hereafter “UC”]. In 1948, the Regents of the UC system announced plans for the new campus just outside Santa Barbara on the former base. In late 1948, a small contingent of the 190 remaining Isla Vista residents met and formed the Isla Vista Improvement Association [hereafter “IVIA”]. A few months later in 1949, Santa Barbara area voters approved plans for a reservoir to supply water to the new campus and the neighboring undeveloped residential plot Isla Vista.¹⁰⁹⁹

After organization, the IVIA agreed that they wanted two contradictory results from a proposed rezone of the Isla Vista community. First, perhaps reflecting on the beauty of Santa Barbara after it was rebuilt in the mid-1920s, the IVIA endeavored to build an aesthetically-appealing community that would be governed by an architectural board for all new development. Second, they unanimously wished for a high density zoning designation so *all* property owners could make a significant profit.¹¹⁰⁰ It is telling that even in the late 1940s, the majority of landowners were already absentee in nature, as there were 500 landowners and only 190 residents in the community.¹¹⁰¹

In 1954, the second wish of the IVIA was granted as a new zoning ordinance was passed by the County of Santa Barbara allowing at least a duplex on every parcel.¹¹⁰² According to this original 1954 zoning plan, complete build out of Isla Vista would result in a community of 13,000 residents, hypothetically endorsing the highest rate of housing density west of the Mississippi River.¹¹⁰³ At this point, traditional zoning configurations were used to describe building allowances. Isla Vista in general was zoned R-4: Multiple Residential, while reserving the first four blocks adjacent to the beach a land-use designation of R-2: Two-family Residential. The area immediately surrounding the loop was designated for commercial uses.¹¹⁰⁴

¹⁰⁹⁷ *Airport History: Developed to Serve Wartime Need*, SANTA BARBARA AIRPORT (2012) <http://flysba.com/userfiles/WWII_PageOne_Final.pdf>.

¹⁰⁹⁸ *Id.*

¹⁰⁹⁹ JENNIFER STRAND, MAXIMUM FREEDOM AND THE LIMITS OF COMMUNITY: ISLA VISTA, CALIFORNIA, 1925 – 1975 (Dissertation), UNIVERSITY OF CALIFORNIA, SANTA BARBARA, 11 (Jun. 1994).

¹¹⁰⁰ *Id.* at 11 – 12.

¹¹⁰¹ *Id.* at 12.

¹¹⁰² *Id.*

¹¹⁰³ *Id.*

¹¹⁰⁴ ZIEGLER-McPHERSON, *supra* note 124, at 9.

D.4.1.1.1. The Monetization of Isla Vista

After conversion and the move by UCSB to its new Goleta campus adjacent to Isla Vista,¹¹⁰⁵ the total enrollment at the new campus in 1954 was 1,883. As Isla Vista was undeveloped and very close to the main campus, students, administrators, faculty and families lived together in the wide open community. At the outset, UCSB was envisioned as a small college with a maximum enrollment of 2,500, created for liberal arts study as a compliment to the other science-oriented universities in Berkeley and Los Angeles. By 1958, the enrollment had not yet reached its projected maximum as it was recorded at 2,380 total students.¹¹⁰⁶

The 1958-1959 school year was the one that Aldous Huxley spoke as the inaugural visiting professor, and it is also rumored that here in this empty community, full of potential and ready to spring into existence, Huxley imagined the new society that he outlines in his novel published in 1962, *Island*.¹¹⁰⁷ The back-cover description of *Island* describes its substance in the following way:

Aldous Huxley's provocative counter-point to his classic *Brave New World*. In *Island*, his last novel, Huxley transports us to a Pacific island where, for 120 years, an ideal society has flourished. Inevitably, this island of bliss attracts the envy and enmity of the surrounding world. A conspiracy is under way to take over Pala, and events begin to move when an agent of the conspirators, a newspaperman named Farnaby, is shipwrecked there. What Farnaby doesn't expect is how his time with the people of Pala will revolutionize all his values and – to his amazement – give him hope.¹¹⁰⁸

In hindsight, one could imagine that Huxley himself was the co-conspirator Farnaby, shipwrecked far from civilization to both report and give sage advice for a beachside haven soon to be overrun with rapid development. Just months prior to Huxley's arrival, the Regents of the University of California announced the total enrollment projected for UCSB had been adjusted by 400% to 10,000 students.¹¹⁰⁹ Huxley's lecture in and of itself was a signal of the University's new aspirations of heightened status in the greater state-wide scope of California's urban development. Isla Vista was now the front line of a storm "blowing from Paradise... this storm is what we call progress."¹¹¹⁰

¹¹⁰⁵ Originally, the UCSB campus existed on the Santa Barbara State College campus located in the Riviera district in the City of Santa Barbara.

¹¹⁰⁶ CARMEN LODISE, ET. AL., ISLA VISTA: A CITIZEN'S HISTORY, 64 (2008).

¹¹⁰⁷ Palladino, *supra* note 1088.

¹¹⁰⁸ ALDOUS HUXLEY, *ISLAND*, *backcover* (1962).

¹¹⁰⁹ STRAND, *supra* note 1099, at 13.

¹¹¹⁰ Walter Benjamin, Theses on the Philosophy of History (1940). Quoted in FRAMPTON'S MODERN ARCHITECTURE, *supra* note 48, at 8.

D.4.1.1.2. Progress Comes to Isla Vista

Immediately after Huxley left, a flood of contractors appeared in Isla Vista to construct the community respecting the tripartite neighborhood division held over from the 1926 plot. More importantly, these professionals came to create a built environment that maximized the investment return allowed by the zoning code passed in 1954. Jennifer Strand, in her paper *Maximum Freedom and the Limits of Community*, highlights the unimaginable speed with which Isla Vista was built from 1960 until 1967. In 1960, building permits totaled \$250,000; in 1961, \$1.1 million; in 1962, \$5.2 million; and in 1963, \$6.7 million worth of permits that amounted to 952 apartments were built in that year alone. By 1967, over 80% of all buildable land in Isla Vista had already been constructed with 4,449 dwelling units, four out of five of which had been built in the past three years.¹¹¹¹ Already, the UCSB campus had a total enrollment beyond the original projection of 10,000 students, and as the Baby Boomer generation continued to advance into their college years, that trend was not retracting in the foreseeable future. The “boom town” had finally arrived in Isla Vista, property values skyrocketed, and the landowners once again set out to reconceptualize further means to realize profit from the masses of new students seeking housing just on the other side of the “eucalyptus curtain”¹¹¹² that outlines the university.

In 1967, a major shift both in the built environment and its community occurred. Having reached the projected total enrollment at UCSB and a near build out of Isla Vista’s landlocked half-mile square area, both the largely absentee landowners and the massive renting population had to find new methods of expressing their misaligned desires. As for the landowners the solution was easy: rezone the community so as to extract more profit from the same area of land. In order to do so, a wholly new zoning paradigm was authorized by the County of Santa Barbara, typified as “S-R: Student Residential” and uniquely applied to Isla Vista.¹¹¹³ This amalgamation of intense development on suburban plots is still effective, favoring apartment complexes, narrowed streets and diminished parking requirements as compared to the prior land-use code. This ultra-dense approach allowed Isla Vista to grow significantly beyond the 13,000 resident maximum possible under the previous 1954 zoning code.¹¹¹⁴

¹¹¹¹ STRAND, *supra* note 1099, at 13 - 14.

¹¹¹² A clear line of massive eucalyptus trees growing from a sizable berm demarcates the border between Isla Vista and UCSB. Many view this line of trees as a natural filter between the privileged and the disenfranchised, as the resources provided by the UCSB campus are only available to those who are selected members (students, faculty and administration) of the institution.

¹¹¹³ ZIEGLER-McPHERSON, *supra* note 124, at 9.

¹¹¹⁴ ZIEGLER-McPHERSON, *supra* note 124, at 9 – 10. Ziegler-McPherson comments that the Trow Report outlines how in a 1966 committee meeting, developers and county officials speculated that off-street parking would have minimized value as students increasingly adopted small cars and motorcycles. This committee also worked together to purposefully

Students' early reaction to the high density and low services provided with self-generated cooperative organization. Mimicking on-campus dorm social clubs, the Isla Vista League was formed in 1965 to organize block parties and develop academic networks.¹¹¹⁵ In 1967, recognizing the blighted nature of Isla Vista, residents began to advocate on behalf of the little open space and greenery that was left after the massive build out that lasted from 1963 through 1967. As a start, students living in Isla Vista successfully postponed a highway installation across the Goleta slough, a slough representing a significant riparian area that splits the university campus from the Santa Barbara Airport. In addition, residents managed to convince landowners to preserve a stand of mature trees at the center of the business district of Isla Vista.¹¹¹⁶ The Isla Vista League's greatest collective effort was the installation of 150 street trees throughout the unincorporated community, an action aimed at realizing the organization's newfound endeavor to create "a complete university and community living experience."¹¹¹⁷ Beyond the intense activism gripping California against the Vietnam War, increased UC tuition rates, and the malaise that characterized the lives of college students of the 1960s; Isla Vistans clearly expressed a desire to redefine their communal relationship in regard to the natural and built environment. In this company town purposefully designed for profit and the exploitation of young adults seeking a college education, Isla Vistans for a short moment found a collective *raison d'être* in the preservation and development of remaining open space in their own overcrowded neighborhoods.

D.4.1.1.3. Resident Reaction to the Built Environment

This unique tactic of "self-help environmental improvement" for the betterment of the community found its greatest challenge in the more confrontational methods literally copied by UCSB students from other protest movements across the nation.¹¹¹⁸ On October 15, 1968, sixteen members of the Black Students Union occupied the North Hall on the UCSB campus with a list of eight demands. After three days, the UCSB administration negotiated with the students and agreed to most of the demands. One of the most important demands met by the University administration shows the early success of this confrontational tactic, in that at the behest of the

rewrite the zoning law so as to encourage larger apartment complexes, the combination of small independent ocean lots, and the minimization of side yards for beachside properties.

¹¹¹⁵ STRAND, *supra* note 1099, at 47.

¹¹¹⁶ *Id.* at 46 - 47.

¹¹¹⁷ *Id.* at 49.

¹¹¹⁸ *Id.* at 94. Strand quotes an activist in saying that the actions of UCSB students in taking up counter-culture organization were reclaimed from around the nation, in essence, they were "copycats."

Black Students Union an independent Department of Black Studies was immediately created, a cherished component of the university's curriculum today.¹¹¹⁹

Something beyond the control of the university occurred on January 29, 1969: the Union Oil Drilling Platform six miles off the shores of Santa Barbara ruptured and spilled 200,000 gallons of crude oil over an 800 square mile slick.¹¹²⁰ President Nixon reviewed the spill from the air while both the Union Oil president Fred Hartley and Senator Gaylord Nelson independently took a perspective tour from the beaches stretching from Santa Barbara to Isla Vista. Hartley, who was constantly heckled by locals for the environmental debacle, stated he was "tremendously impressed at the publicity that [the] death of birds receives versus the loss of people."¹¹²¹ Nelson, who was already organizing a grander environmental movement from the U.S. Capitol, employed his experiences and the press from the 1969 oil spill to launch the first national Earth Day on April 22, 1970, as an interstate environmental teach-in.¹¹²²

But for the residents of Isla Vista, the oil spill simply reiterated the neglect and exploitation collectively experienced in the built environment of their community. Not only had "big oil" ruined some of the best beaches of Santa Barbara County, for this unincorporated community "big oil" was also the largest landlord and the most legible political power behind the intense zoning that was passed in 1967 to squeeze even more profit from Isla Vista's residents.

Carmon Lodise, in his book *Isla Vista: A Citizen's History*, outlines the intense marginalizing pressure applied directly by the local petroleum and banking industry. First, Signal Oil Company, a corporation started by a Goleta orchid farmer and WWII veteran Samuel Mosher, was the largest landowner in Isla Vista by 1969.¹¹²³ After the S-R rezone of Isla Vista, another major building boom occurred that was largely funded by the Goleta Valley Savings & Loan, a banking institution that had on its Board of Directors three of Signal Oil's executive team.¹¹²⁴ Finally, the four-member committee that authored the new S-R zoning code that increased density, decreased street widths and diminished on-site parking was led by the nonresident

¹¹¹⁹ *Id.* at 74-75. See also Jeffery C. Stewart, *Chair's Message*, DEPARTMENT OF BLACK STUDIES (2011) <<http://www.blackstudies.ucsb.edu/about/>>.

¹¹²⁰ Today, there are eight oil platforms off the shores of Santa Barbara (7) and Isla Vista (1). The Geology Department at UCSB hosts a detailed account of the spill and its aftermath on their website. See Jeffrey J. Hemphill, *1969 Santa Barbara Oil Spill* (2004) <http://www.geog.ucsb.edu/~jeff/sb_69oilspill/index.html>.

¹¹²¹ MARY GRAHAM, *THE MORNING AFTER EARTH DAY: PRACTICAL ENVIRONMENTAL POLITICS*, 27-8 (1999). In the Union Oil spill, no human life was lost in the environmental tragedy.

¹¹²² *Introduction: The Earth Day story and Gaylord Nelson*, UNIVERSITY OF WISCONSIN SYSTEM (2010) <<http://www.nelsonearthday.net/earth-day/index.htm>>.

¹¹²³ LODISE, *supra* note 1106, at 10 and 12.

¹¹²⁴ *Id.* at 13.

landowner property managers representing Signal Oil's Isla Vista holdings in closed meetings with officials from the County of Santa Barbara.¹¹²⁵

In mid-February of 1969, openly copying the methods of the Black Students Union, student activists seized the University Center and held it for three months.¹¹²⁶ In March of 1969, as oil was still steadily percolating to the surface and soiling the beaches of Santa Barbara County, a disgruntled resident shot the windows out of three real estate offices all located in Isla Vista.¹¹²⁷ In April, a package bomb was dropped off at the UCSB Faculty Club. A live-in caretaker of the facility opened the package and became the first fatality of this new era of violent confrontation in the Isla Vista community.¹¹²⁸ By May, those that occupied the University Center gave up their occupation of the campus property, finding that they could no longer police themselves effectively, and thus far, realizing no real progress on their desired results.¹¹²⁹ School let out for the summer, and although tensions had not been institutionally relieved, the summer brought a measure of relief as the density of Isla Vista decompressed.

Like many beachfront cities in Southern California, communal parks are largely *less* necessary than in non-beach communities as the shoreline provides a major resource for extensive outdoor recreation.¹¹³⁰ In Isla Vista, where in 1969 there were literally no parks and very little public open space, the extensive and accumulative pollution of this major recreational resource had a fundamental subversive impact on the psyche of the unincorporated community. Although the summer had come, the oil spill intensified a situation created by a combination of the poor character of Isla Vista's built environment, the University's non-response to the impacts of the resident explosion, and the growing youth movement spurred by the Vietnam War and growing normative intolerance for recreational drug use. Not only did many of the residents of Isla Vista pay their rent, cash their checks, and purchase gasoline from similar agents of a petroleum trust promising progress with continued capitalist conformity, the mechanisms of this redundantly profitable process ruined the single beloved attribute of their community. As Strand explains:

¹¹²⁵ *Id.* at 14.

¹¹²⁶ STRAND, *supra* note 1099, at 83.

¹¹²⁷ *Id.* at 88.

¹¹²⁸ *Id.*

¹¹²⁹ *Id.* at 85 - 86.

¹¹³⁰ In 2000, a survey of open space in the United States' major cities found Los Angeles ranked 17th out of 25. Further, on a per capita basis, less money, space and proportion of Los Angeles's city area was devoted to park space in comparison to any other major city on the West Coast. See Anastasia Loukaitou-Sideris, *Urban Parks: Southern California Environmental Report Card*, UCLA INSTITUTE OF THE ENVIRONMENT AND SUSTAINABILITY (2006) <<http://www.environment.ucla.edu/reportcard/article.asp?parentid=1455>>. See also ZIEGLER-McPHERSON, *supra* note 124, at 109. The author here summarizes the Trow Report's statement that the beach should be perceived as and maintained as Isla Vista's largest 'park' for resident recreation.

The oil spill touched almost every student directly because it fouled the beach they lived and studied beside. It served as an immediate lesson on the importance of the eco-system for anyone who saw totally blackened ocean birds and mammals washed up dead on the beach from suffocation by oil. For those within SDS [Students for a Democratic Society], it fulfilled every expectation raised by the study group literature of the danger wrecked by the mendacity of capitalism and its minions.¹¹³¹

D.4.1.1.4. Welcome to Isla Vista

One last valiant effort at self-help improvement targeting Isla Vista's built environment was undertaken in the 1969 summer, the last summer before the resident community became embroiled in riots. After school was released in May of 1969, an interdisciplinary and interagency group named JIVE – Joint Isla Vista Effort - began a slew of constructive activities in Isla Vista. The groups first effort at community-building was the placement of a sign on the main approach to the business district of the community; the sign read "Welcome to Isla Vista" (*See FIGURE 243*).¹¹³² Next, JIVE, took up its primary summer endeavor of building Isla Vista's first recognizable park. The university administration, the student body, local developers, property owners and residents all worked together to install Perfect Park in the urban cup created as the Embarcadero Del Mar runs its semi-circle back towards Goleta and becomes Embarcadero Del Norte. Here, within sight of the controversial Magic Lantern Theatre and the monumental Bank of America, 60,000 square feet of open lot were converted into a grassy, tree-lined field available for collective recreational enterprise.¹¹³³

In reflection of the provisional nature of the growing parks movement in Isla Vista, the new Perfect Park was secured only with a month-to-month lease, an agreement that could be canceled with only a 30-day notice by the landowner. This lease was arranged by a UCSB administrator under favorable terms, a relationship that would surprisingly continue in mutual satisfaction until the early 1990s. A local developer provided all the ground moving equipment to install a permanent watering system and landscaping, both of which were purchased with a \$4,500 gift from the UCSB Associated Students student government.¹¹³⁴ By Thanksgiving of 1969, a burgeoning park was green and provided respite in the local social and physical turmoil of the times:

Bruce Anderson, the first person to work at the park site dubbed it the Perfect Park, and the name stayed. It seemed apt somehow, an alliterative parallel to

¹¹³¹ STRAND, *supra* note 1099, at 87.

¹¹³² *Id.* at 107.

¹¹³³ *Id.* at 106

¹¹³⁴ *Id.* at 106-7.

People's Park [at UC Berkeley] with a touch of utopia thrown in. In the wake of the swirling issues of racism, oppression, and ecological destruction that had characterized the school year, Perfect Park glided serene and lovely, a creation of something positive and useful by the community for the community.¹¹³⁵

By the point the park had opened, Isla Vista had become a regular stop on the state-side hippie trails taken by anti-war/pro-drug youth activists along the west coast.¹¹³⁶ Following the lead of counter-culture organizers in Berkeley, Isla Vista residents set up services like Switchboard (1969) and the Isla Vista Open Door Medical Clinic (1970) to support the purposefully transient and youthful population.¹¹³⁷ When visitors arrived in Isla Vista, they would orient their stay from Perfect Park, easily reaching commercial, social and other “anti-capitalist” (i.e. free) local services from its central location.

D.4.1.1.5. The Riots of 1970

The central and symbolical status of Perfect Park also led to its position at the front lines for both counter-culture activities and the express policing of such. Unfortunately, this digression into a “confrontational tactic” came at the same time Isla Vistans finally found common ground in the development of the community’s first legitimate park. Following a direct line from the genesis of the Loop, the united JIVE committee of county, university, resident, homeowner and property owners, when acting together, had chosen for their mutual project the very spot set aside for recreation by the original plotters of the ‘Ocean Terrace’ neighborhood.¹¹³⁸ Trampling this short-lived and early expression of cooperation, before the grass had left the fresh seed on this acre-plus park, protestors had already begun to use its monumental grounds for disruptive organization.

In June of 1969, the administration at UCSB set off a local revolt when it denied tenure to a vocal anti-establishment junior professor, releasing him from his employment for the upcoming year.¹¹³⁹ The professor, Bill Allen, immediately appealed his tenure denial and the Committee of Academic Affairs reviewed the case throughout the Fall 1969 semester.¹¹⁴⁰ Results of the

¹¹³⁵ *Id.* at 107.

¹¹³⁶ Strand simply discusses this hitchhiking tendency as “wayfaring counter culturalists,” but others have typified this as a series of hippie trails that were taken both largely on the Southwest/West Coast of the United States, as well as Central Asia from Nepal to India. See STRAND, *supra* note 1099, at 107 - 108. For a greater discussion of the hippie trails in Asia, see DAVID TOMORY, A SEASON IN HEAVEN: TRUE TALES FROM THE ROAD TO KATHMANDU (1998).

¹¹³⁷ STRAND, *supra* note 1099, at 108.

¹¹³⁸ ‘Ocean Terrace’ is the original name Alfred Robertson and James Thompson gave Isla Vista’s business district in 1926.

¹¹³⁹ STRAND, *supra* note 1099, at 122.

¹¹⁴⁰ *Id.* at 122.

committee's review arrived in early February 1970, finding Allen's dismissal finalized without further administrative appeal.

Building upon the already activist milieu concerning the Vietnam War, the recent oil spill, a proposed freeway slated to undermine riparian habitat on the edge of UCSB, drug crackdowns, racism and a general feeling of local exploitation, Allen's removal from the university's teaching faculty became a defining issue for student activism at UCSB. Preempting the February results of Allen's tenure review, a rally of 1,500 gathered at the UCSB administration building on January 30th to show their undying support of the professor.¹¹⁴¹ After rallying overnight on campus, police authorities finally dispersed the crowds after the safety of the administration was perceived to be under threat. Those committed to the protest immediately reformed in Isla Vista at Perfect Park, planning their next actions against, well, the world as they knew it.¹¹⁴²

Throughout February, Allen himself led and provoked student activism that included the occupation of the Santa Barbara wharf, the "liberation" of the UCSB faculty club, continued rallies at the administration building, and other grand gestures of protest on campus. By this time, not only had Perfect Park become a regular spot for activists to meet before the next protest, it had become a regular place for police authorities to congregate in anticipation of the next big disturbance. When police were in the park, activists instead began to meet in a small open parcel across the street, known today as the Little Acorn Park.¹¹⁴³

By the end of February, tensions between the police and Isla Vista residents had transitioned into an environment supporting outright violent. On February 24th, a court date was set for "Santa Barbara 19," the local activists in custody for the massive Bill Allen rally on the UCSB campus. That evening, residents reacted with force after the police attempted to arrest other known activists congregating in downtown Isla Vista.¹¹⁴⁴ By the end of the night, a police car had been disabled and burned, small bonfires were lit in the streets of the downtown loop, and the windows were broken out of the Bank of America as well as local realty offices.¹¹⁴⁵

On February 25, William Kunstler spoke on the UCSB campus to a crowd that varies in recollected magnitude from 2,000 to 7,000 spectators.¹¹⁴⁶ Kunstler was defense attorney for the Chicago Seven, a group who had been arrested for protest activities at the 1968 National

¹¹⁴¹ *Id.* at 128.

¹¹⁴² *Id.*

¹¹⁴³ ZIEGLER-McPHERSON, *supra* note 124, at 104.

¹¹⁴⁴ STRAND, *supra* note 1099, at 131.

¹¹⁴⁵ *Id.*

¹¹⁴⁶ *Id.* at 131 - 132. Judd quotes the spectator number at 7000. See Judd, *supra* note 1085, at 2.

Democratic Convention. That evening, Kunstler's speech touched upon the sensitivities of the local protest movement as the "Santa Barbara 19" had been in the news just a day previous. After his speech, student and resident activists met as previously agreed in Perfect Park.¹¹⁴⁷ Upon arrival, a small force of police authorities was waiting in full riot gear. The protestors reacted with violence, charging the police and driving out all uniformed authority as a single unified mob of 1,500. Without any police in the community, fires began all over downtown Isla Vista including one that engulfed and destroyed the most monumental structure: the local branch of the Bank of America.¹¹⁴⁸ Days later, after news reached the general public of the scale of destruction in this student hamlet, Governor Ronald Reagan declared a "state of extreme emergency" as he directed the National Guard to occupy and police a mandatory curfew for Isla Vista.¹¹⁴⁹

The initial activist success in destroying this architectural symbol had a self-reinforcing impact. Each time residents would rally after protests or witnessing poor behavior by police authorities, the immediate tendency for the typical Isla Vista mob was to attempt to burn down the Bank of America. On March 4, 1970, the Bank reopened in a temporary structure adjacent to the one left in ruins.¹¹⁵⁰ Immediately thereafter, a volunteer resident group – simply called the "defenders" by historian Jennifer Strand – was formed to coordinate a self-policing of the bank's perimeter, hoping to avoid another episode of unfettered anarchy.¹¹⁵¹

After February 25th, the administration began a more formal process of addressing student concerns in Isla Vista. Initiated as a series of meetings with student residents, a Commission on Isla Vista was formed at the start of April 1970.¹¹⁵² In spite of the increasing attention to student-resident needs, heavy-handed policing within the neighborhoods conducted by out-of-town officers, especially those from the Los Angeles County and the California Highway Patrol, heightened violence and the confrontational atmosphere in Isla Vista itself. By mid-April, the internal rage had grown to such a pitch that that activism boiled over into violent revolt not seen since February. A rally on April 15 featuring both a Chicago Seven spokesperson and a Berkeley activist led protestors to chant the phrase "rip off ... pigs." After the rally, the participants flooded back into Isla Vista and a mobbing crowd met as a mob at Perfect Park.¹¹⁵³

¹¹⁴⁷ *Id.* at 132.

¹¹⁴⁸ *Id.* at 134.

¹¹⁴⁹ *Id.* See also LODISE, *supra* note 1106, at 20.

¹¹⁵⁰ *Id.* at 137.

¹¹⁵¹ *Id.*

¹¹⁵² LODISE, *supra* note 1106, at 42.

¹¹⁵³ STRAND, *supra* note 1099, at 137.

After congregating, the crowd proceeded as usual to the Bank of America's temporary building and started it on fire. Quick on the scene, student-resident "defenders" put the fire out before any substantial damage was done, and successfully prevented further misfeasance on the structure. Moments later, a small brigade of enforcement officers arrived in battle-armored dump trucks – coined as the "Operation Wagontrain" – and dispersed the crowd with tear gas, stun guns and shotguns. Six protestors were wounded that evening after being shot with non-lethal bird shot.¹¹⁵⁴ A growing multitude of officers from multiple agencies descended on Isla Vista, largely employing SWAT and aggressive anti-guerrilla tactics learned from current operations in the Vietnam War.¹¹⁵⁵

In spite of the militarization of the residential district, protestors continued for days against the curfew, actively rejecting the policing restraint employed against them. On April 18, 1970, a crowd of 300 successfully attacked the Bank of America's temporary structure, this time effectively starting it on fire. Rioters grew around the building as the "defenders" attempted to put out the fire and disperse the crowd. Another iteration of "Operation Wagontrain" began as policing authorities arrived in target-hardened construction equipment to aggressively clear out the rioters. Into the flurry of crushing human interaction a shot was fired by a Santa Barbara City Police Officer. This single shot killed one of the "defenders" dousing the fire with retardant, a student named Kevin Moran. The riots continued for two more days until a mass of 300 police authorities from the whole Southern California region arrived and physically subdued the Isla Vista community.¹¹⁵⁶

Throughout May, outside events again pushed the residents of Isla Vista into a new iteration of heated riots. The war in Vietnam was escalating, four students at Kent State were killed at a peaceful protest, and the disruption throughout all the California college campuses was so great that Governor Reagan closed the UC system for four days. Then on June 3rd, internal events again set off the tender-box of anger and thereafter increased violent protest. After 17 were indicted for the April Bank of America burning, organized riots began again at all the real estate offices and the Bank. Proving their mettle against continued violence, the "defenders" were able to stop any substantial damage, but the stage was set for another exhibition of unfettered anarchy at the front-line of this embattled youth movement.¹¹⁵⁷

¹¹⁵⁴ *Id.* at 137 - 138.

¹¹⁵⁵ Judd, *supra* note 1085, at 128.

¹¹⁵⁶ STRAND, *supra* note 1099, at 138

¹¹⁵⁷ *Id.* at 140 - 141.

Tom Hayden, a member of the Chicago Seven, spoke on campus three days later. Unlike the past rallies by Chicago Seven members on February 25th and April 15th, Hayden asked the students to “study, stop taking drugs, and prepare to go underground.”¹¹⁵⁸ As well, a new group called the Isla Vista Community Council had been formed in the past month, and the efforts of the new representative body to calm resident protestors appeared to be effective after Hayden’s rally.¹¹⁵⁹

On June 7th, local police allowed a community concert held in Perfect Park to extend past the usual 7:30 PM curfew.¹¹⁶⁰ Influenced by outside law enforcement officers, especially those represented by the Los Angeles Sheriff’s Special Enforcement Bureau, the concert was abruptly shut down at 9:30 PM and attendees were literally pushed off the park with force.¹¹⁶¹ Immediately, a new mobbing crowd of 1,000 formed, marched to the Bank of America and attempted to burn it down.¹¹⁶² The policing authorities shut down Isla Vista with open unmitigated force after this event, and for two days perpetually raided homes, gassed groups visible after 7:30 PM (even in their own backyards and balconies), and held a constant patrol of the community employing overt punitive force.¹¹⁶³

These events proved too taxing on even the most conservative residents of Isla Vista. After extensive coordination, a mass of roughly 1,000 peaceful protestors purposefully violated the 7:30 PM curfew together on June 10th in Perfect Park. After the curfew passed by bullhorn-enumerated countdown, a helicopter arrived overhead to coordinate the arrest of violators on the ground.¹¹⁶⁴ From 7:30 PM until nightfall, 375 protestors were arrested without excessive police violence. After 9:30 PM, the rest of the crowd was dispersed with tear gas, nightsticks, and another iteration of “Operation Wagontrain” forcefully persuading residents and their fellow protestors to disperse and return to their homes.¹¹⁶⁵

Of those that sat together in Isla Vista, a spectrum of the community’s patrons was represented in violation of the curfew. Sitting with the youth-movement organizers that were vocal against a lack of voting rights, drug criminalization, the Vietnam War, the dismissal of Bill Allen, and the poor living conditions in Isla Vista, the “respectable” non-student community joined the usual activists to evict the out-of-town police. Since April, other non-youth oriented protestors had

¹¹⁵⁸ Judd, *supra* note 1085, at 126.

¹¹⁵⁹ LODISE, *supra* note 1106, at 56. *See also* Judd, *supra* note 1085, at 127.

¹¹⁶⁰ Judd, *supra* note 1085, at 127.

¹¹⁶¹ STRAND, *supra* note 1099, at 141.

¹¹⁶² Judd, *supra* note 1085, at 128. *See also* STRAND, *supra* note 1099, at 141. Judd goes so far as to say the Bank was already “in flames” when the policing authorities arrived.

¹¹⁶³ *Id.* at 129. *See also* STRAND, *supra* note 1099, at 141-2.

¹¹⁶⁴ *Id.* at 134.

¹¹⁶⁵ STRAND, *supra* note 1099, at 142.

come together with the youth activists to represent other facets of Isla Vista's community. These members included UCSB faculty and administrators, clergy from the local Catholic church, realtors, middle-aged residents from the homeowner's neighborhood on the west side of town, and, believe it or not, representatives from the local branch of the Bank of America.¹¹⁶⁶ Isla Vista real estate developer Ken Van Leer was arrested along with Don Paulson, the local Branch Manager of the Bank of America.¹¹⁶⁷

Under the threat of an armed police state, all interests in favor of a livable Isla Vista united for one night to evict their greatest obvious threat to civility. The next day, County Supervisors ejected the riot police and replaced them with a gentler force, the National Guardsmen. The curfew over Isla Vista was relaxed, as all charges against the arrested peaceful sit-in members were dropped. Within days after the sit-in, Isla Vistans took back their community with a sense of moral solidarity and collective pride.¹¹⁶⁸

D.4.1.1.6. Struggling for a Legitimate Political Identity for the Youth Generation

Success for the Perfect Park sit-in was largely credited to the newly formed Isla Vista Community Council [hereafter "IVCC"], a group that was reformed from its early status as an *ad hoc* UCSB advisory body to a permanent, elected body by Tom Tosdal.¹¹⁶⁹ Tosdal was the former President of the UCSB Associated Students, and acknowledging the deep resentment felt by those under 21 who were forced to fight a war that they themselves had no right to vote against, created the organization so as to allow suffrage for anyone 16 years or older in choosing the IVCC's governing council.¹¹⁷⁰ With the first election on May 1, 1970, the organization was duly legitimized just in time to progressively react to the mounting tensions that led to the successful June 10th Perfect Park sit-in. Further, after organizing the successful evacuation of the police nuisance in June, the IVCC had the full support of the UCSB administration, student residents, business owners, property managers, and the homeowners in formulating a united identity for Isla Vista.¹¹⁷¹

Months later in October, the Commission on Isla Vista organized by the UCSB administration published the Trow Report, a document that outlined a multitude of necessities to enrich the Isla Vista community and pull the community out of its desperate environmental circumstance.¹¹⁷²

¹¹⁶⁶ *Id.* at 142.

¹¹⁶⁷ Judd, *supra* note 1085, at 138 - 139.

¹¹⁶⁸ STRAND, *supra* note 1099, at 143.

¹¹⁶⁹ *Id.* at 168.

¹¹⁷⁰ *Id.* at 170.

¹¹⁷¹ LODISE, *supra* note 1106, at 58. Lodise outlines how the major authoritative organizations over Isla Vista, that is the County and UCSB, contributed both their ideological and funding support to the IVCC with a three-year, \$750,000 bounty for creating the Isla Vista-centric community organizations.

¹¹⁷² *Id.* at 42 - 43.

As an early social entrepreneur for Isla Vista's cityhood, Tosdal openly reflected the rhetorical mission set out in 1968 by the Isla Vista League: to build an incorporated identity so as to realized Isla Vista's potential as a "perfect community."¹¹⁷³ Here, as Tosdal was the architect for a locally-defined and effective IVCC, the Trow Report boosted collective hopes for urban political autonomy by outlining an authoritative roadmap for a locally sensitive, internally driven expression of youth-based democracy. According to Strand's own historical analysis, this movement led by the IVCC was effective for a fleeting nine-month period.¹¹⁷⁴

In this nine-month period, Isla Vista was completely reconfigured according to a new set of priorities. Just as the dual tactics of "self-help" and "confrontation" were emerging as mutually exclusive methods of expression in the community, the resident-youth activists in Isla Vista had broken down into roughly three groups: eco-pacificists, ideological progressives, and institution builders.¹¹⁷⁵ Having survived on-site since the Isla Vista League before the riots, the eco-pacificists were responsible for instigating the installation of trees, the cooperative creation of the Perfect Park, and coordinating early clean-up and recycling programs in the unincorporated community.

After the June 10th Perfect Park sit-in, the whole community reset its paradigmatic orientation. Now, three new factions represented the entirety of Isla Vista community's wishes for the future: a pro-cityhood group, an anti-cityhood group, and a pro-environment element indifferent to cityhood status.¹¹⁷⁶ Regardless of faction affiliation, the community was united after the extended period of uncivil confrontation to address three major issues particular to Isla Vista. First, highlighting the very reason for inter-interest¹¹⁷⁷ solidarity, the community sought to employ a mechanism for self-policing the neighborhoods of Isla Vista. Second, all Isla Vistans agreed at this point in collective history that the built environment should be addressed for improvement and livability, especially in the most heavily populated sectors of intense student housing. Third, the Isla Vista public will wished for an indigenous identity and measure of local autonomy reflecting the genesis and history of the hamlet as a seaside community directly adjacent to a major university.¹¹⁷⁸

¹¹⁷³ STRAND, *supra* note 1099, at 167.

¹¹⁷⁴ STRAND, *supra* note 1099, at 250 - 251. In her conclusion of the greater counter-culture Isla Vista movement, Strand refers to this nine-month period as the "Fleeting Wisp of Glory," a "period of real unity and collective effort when people took time away from strictly individualistic pursuits and acted to advance the security, safety and quality of Isla Vista's common life" immediately after the Bank of America was burned down on February 25, 1970.

¹¹⁷⁵ *Id.* at 89.

¹¹⁷⁶ ZIEGLER-McPHERSON, *supra* note 124, at 60.

¹¹⁷⁷ When using the word "inter-interest", a reference is made to the disparate property and administrative interests that battle to dominate Isla Vista over all others including property owners, homeowners, residents, students, UCSB administrators, and the County of Santa Barbara.

¹¹⁷⁸ STRAND, *supra* note 1099, at 153 - 155. *See also* ZIEGLER-McPHERSON, *supra* note 124, at 60 - 64.

After the riots, each of the three factions became increasingly invested in a single issue as the solution to *all* three issues. In other words, for the faction against cityhood, simply addressing the need for self-policing inherently “fixed” the other two issues of an improved built environment and an identity (of non-identity) for the Isla Vista community. For the pro-cityhood faction, local autonomy became the single issue that “fixed” the other two issues, in that with municipal control both issues of policing and land use would have to find approval with the eventual incorporated authority of Isla Vista. Finally, as for the environmentalists, an improved built environment and ecological awareness was sought as a social-structural reprioritization away from the underlying political ineffectiveness that led to the riots and inter-interest conflict in the first place.

D.4.1.1.7. Faction 1: The IVCC’s Focus on Realizing a Counter-Culture Utopia

Rhetorically asserted throughout the history of Isla Vista, the notion to create a utopian community can be traced back to the lectures of Huxley in 1959. The longstanding idea of resetting Western civilization in Isla Vista with a learned, ecologically-sensitive and somehow indigenous method of community drove local visions of “perfect” human existence in balance with nature.¹¹⁷⁹ Reignited in the 1960’s, the Isla Vista League asserted that this perfect community could have a home across from the Channel Islands of California. Finally, by June of 1970, the democratically elected leaders to represent Isla Vista finally had the collective will and opportunity to create a “beacon on the hill for the counter culture” with their proceedings at the IVCC.¹¹⁸⁰ Within months after the Perfect Park sit-in, the representatives worked doubly hard and focused on legitimizing the left-leaning values of the community.

Largely elected from a youth-movement organization called the Radical Union, the IVCC applied its political capital immediately on the three issues outlined above concerning the Isla Vista population. So as to build the administrative base for a future incorporated Isla Vista, the organization endeavored to research, author and organize a multitude of independent community organizations to address resident concerns. With ample funding from the County, UCSB and the Bank of America, the IVCC was financially empowered to make serious changes in Isla Vista. Structurally, though, the organization undertook its program of communal enrichment according to Tom Hayden’s description of “liberated zones” from the *Ramparts*

¹¹⁷⁹ Judd, *supra* note 1085, at 124. *See also* Palladino, *supra* note 1088. The author states: “Best, however, reading these lectures opens a door to the group mind of our city.”

¹¹⁸⁰ STRAND, *supra* note 1099, at 260.

Magazine.¹¹⁸¹ In fact, Hayden even mentioned Isla Vista among a handful of communities “where a new radical culture grew.”¹¹⁸² Strand paraphrases the characteristics of the liberated zone as it was appropriate to Hayden:

First, they were “utopian centers of new cultural experiment” where traditional social relations would be reexamined, drugs would be used to achieve self-awareness, and where communal forms would replace competitive, capitalistic organizations. Second, the liberated zone would be internationalist centers that celebrated the cultures of other countries and that supported Third World liberation struggles. Third, the zones would be “battlefronts” where capitalism and mainstream institutions such as universities, corporations and landlords would be constantly challenged to either conform to the values of free territories or to close down. Finally, the liberated zones would offer support services for those engaged in revolutionary struggle. Such services might include child care, free medical, legal and drug clinics, education in survival skills and crash pads for wayfaring revolutionaries.¹¹⁸³

According to this final attribute of the new “liberated zone,” the IVCC spent its resources on providing a slew of services to its populous. As to the first community-wide issue, the IVCC proposed methods of self-policing and new positive relationships with the County Sheriff’s office. Hosting workshops and “Pork/Puke Day” events, the IVCC initiated an extremely positive and productive dialogue with the County. This led to the creation of the Isla Vista Foot Patrol, an idea that actually began years earlier in the Isla Vista League but never found the funding or the political capital for installment until 1970. Further, so as to defend Isla Vistans against improper police activity in the future, the IVCC created the Isla Vista Department of Justice. The Department of Justice was a team of low-cost attorney’s paid by the IVCC to defend the community’s citizens against drug charges, draft dodging, and their overall antagonistic attitude against police authority. This Department of Justice was important to local activism as UCSB did not have a local law school which would include the typical free legal clinic like Berkeley or UCLA to defend protestors.¹¹⁸⁴

Further, the IVCC bolstered other already established organizations like JIVE and the Switchboard with new funding and logistic support. Organizations moved into the IVCC’s new Community Service Center, including the Isla Vista Free Clinic, the Isla Vista Credit Union, and the Isla Vista Eco Center.¹¹⁸⁵ To further actions according to the enhancement of the built environment, the IVCC established the People’s Ecological Action and Community Enrichment (PEACE) Commission. Initiatives by this commission included the establishment of bike friendly

¹¹⁸¹ *Id.* at 162.

¹¹⁸² *Id.* at 159.

¹¹⁸³ *Id.* at 162. *See also* Tom Hayden, *The New American Revolution*, RAMPARTS, 53 - 57 (July 1970).

¹¹⁸⁴ *Id.* at 188 - 190.

¹¹⁸⁵ LODISE, *supra* note 1106, at 60 - 61. *See also* STRAND, *supra* note 1099, at 191-195.

streets, signage for children-friendly neighborhoods, the investigation of purchasing Perfect Park as a county recreational property, and the appointment of a Dog Commissioner to address homeowner complaints of the feral nature of most dogs in Isla Vista.¹¹⁸⁶ As well, the IVCC created a successful Food Coop and Ecological Center to integrate environmental concerns, food production and economic criticism into one single operating agency.¹¹⁸⁷ These pursuits satisfied the second imperative of the Isla Vista community after the Perfect Park Sit-in.

The third imperative of seeking an identity and a measure of local autonomy for Isla Vista became *the* driving mechanism for IVCC's meaning and future work. In November of 1970, the IVCC received a final report on the method and meaning of incorporation for the community. In essence, the report funded from work-study funds at the university emboldened the IVCC in stating that incorporation was "not only desirable, but feasible."¹¹⁸⁸ Also, it found that independent cityhood was the only manner in which Isla Vista itself could control law enforcement, land use and zoning within its own borders. The study concluded that UCSB should be included in the borders of incorporation, perhaps a fatal recommendation in the resulting application for incorporation due to an obvious conflict with established local administrating authorities.¹¹⁸⁹

Building upon the findings of this student report, the IVCC began open coordination with the County Supervisors as to their plans to seek city incorporation. At the same time the County was studying the local jurisdictions of Goleta, Santa Barbara and Isla Vista, the IVCC convinced the County to underwrite an independent Isla Vista Government Study. Both the feasibility study and government study were student-authored and expressed an intense (perhaps biased) desire by residents to incorporate, instigating the IVCC to assemble and submit their first application for city incorporation to the Local Area Formation Commission [hereafter "LAFCO"] in September 1973. The LAFCO is a commission in each county that reviews the forms of local government proposed by applicants, approving or denying the applicant's right to a local government election. On a 4-1 vote, the LAFCO denied the IVCC's application to hold an election for city incorporation in 1973.¹¹⁹⁰

After the success of the first IVCC members in spearheading an immense body of community organization, later IVCC iterations were less enthusiastic and had much less political capital for

¹¹⁸⁶ STRAND, *supra* note 1099, at 195 - 196.

¹¹⁸⁷ *Id.* at 198.

¹¹⁸⁸ STRAND, *supra* note 1099, at 196. *See also* John Niederkorn, Incorporation Feasibility Study, Isla Vista, California, ISLA VISTA ECONOMIC COMMISSION (February 1971).

¹¹⁸⁹ STRAND, *supra* note 1099, at 196.

¹¹⁹⁰ LODISE, *supra* note 1106, at 70 - 71.

community improvement. Quickly many of the organizations founded under the IVCC found their own independent apparatus or dissolved by 1975. Eventually, the multifaceted agenda set out by IVCC in 1970 wound down to simply one issue: incorporation.¹¹⁹¹ This issue was cause for organization and fervor on two further occasions in December 1975 and for a final application in 1984.¹¹⁹² Both attempts were failures, and by 1985, all funding for the Isla Vista Programs installed after June 10th Perfect Park Sit-in had dwindled from its peak of \$330,753 in 1972 to only \$670 in 1985.¹¹⁹³ No funding was available after 1985 and within two years, with no funding or hope for an independent municipal government, the IVCC disbanded.

In writing of the IVCC's own downfall, Strand points to the Council's 1973 Report to the Community, a document that outlines that "the most viable community is one where the individual is allowed maximum freedom and flexibility in the governance and expression of his day to day needs and activities."¹¹⁹⁴ In three short years, the notion of creating a common identity for all of Isla Vista is already lost, and rather, a greater liberal - or more appropriate, *libertine* - method of forming a community prevailed. She comments on the failure of the IVCC in this manner:

Isla Vista activists could not move incorporation through the legal structure and with this failure they lost all semblance of a unifying cause as well ... What was left, by its own definition in 1973, was a collection of individuals in a locality all bent on maximum freedom.¹¹⁹⁵

D.4.1.1.8. Faction 2: A Method of Local Control without Incorporation: The Foot Patrol

To reiterate, Isla Vista historian Jennifer Strand argues that Isla Vista was only truly united in the hopes of creating a community based on consensus for approximately nine months after the June 10th Perfect Park Sit-in. The unity of the Isla Vista occurred largely as a reflex to the extreme police pressure applied to Isla Vista after the February 1970 riots from outside the community's borders. Striking directly at the heart of the policing problem, the IVCC in the eyes of most homeowners and landlords made itself obsolete at the instant the council organized the Foot Patrol. Strand illustrates this best in her own words:

But the most significant success of the first IVCC was ironically the same one that helped draw Isla Vista's period of intensive community action to a close: the Foot Patrol. The Foot Patrol posed a brilliant solution to the policing problem in

¹¹⁹¹ STRAND, *supra* note 1099, at 244.

¹¹⁹² LODISE, *supra* note 1106, at 72 - 73, and 103 - 104.

¹¹⁹³ *Id.* at 49.

¹¹⁹⁴ STRAND, *supra* note 1099, at 242.

¹¹⁹⁵ *Id.* at 243 - 244.

Isla Vista. A permanent, local police force, recognizable to Isla Vistans and in tune with the community, gave Isla Vista the kind of law enforcement it needed. ... With the end of a need to defend itself came the end of a powerful community spirit in Isla Vista.¹¹⁹⁶

Worried that the same mobs that turned violent against the real estate offices and bank building in 1970 would be none-too-concerned with marginalizing those that actually owned the property the residents lived on, the homeowners and property owners heavily resisted the IVCC's calls for incorporation. Since 1968, these homeowners from the west end of Isla Vista have worked closely with the landlording property owners so as to minimize the limitations imposed by local government through political action in the Isla Vista Association [hereafter "IVA"]. Although the IVA is typically uninvolved in student-resident affairs, at times of threatened increase in local governmental control, the IVA rapidly calls to order and offers regular dissent.

The Foot Patrol, although technically a local arm of the Sherriff's Office for the County of Santa Barbara, is made up of an equal number of Sherriff's deputies and UCSB police officers.¹¹⁹⁷ Although the program was credited largely as an initiative brought by the first council of the IVCC, newly elected Sherriff John Carpenter was also an innovative contributor to developing the program. In 1970, Carpenter won office based on a reform platform, and due in part to his positive relationship with Isla Vista, he stayed in office for 20 years.¹¹⁹⁸ Under Carpenter, the County created a division of its own police force co-managed with the UCSB force that continues to be successful today.

Once a method to police the unique population of Isla Vista had been arranged in a mutually beneficial manner with the County of Santa Barbara, UCSB and Isla Vista residents, the IVA no longer maintained its concern for the other two issues that initially united the community in June of 1970. As most homeowners on the west end enjoyed the suburban "R-1" zone of Isla Vista, they did not personally *know* the intense development pressure the renting residents experience throughout the "S-R" zones. Further, the property owners who had a dominant voice in the IVA were themselves the greatest beneficiaries in the unincorporated status of Isla Vista, as they enjoyed a lax and landlord friendly business environment in this perfectly exploitable residential enclave.

¹¹⁹⁶ *Id.* at 253 - 254.

¹¹⁹⁷ LODISE, *supra* note 1106, at 134.

¹¹⁹⁸ *Id.* at 129.

D.4.1.1.9. Faction 3: An Entirely Different Way of Thinking, the Gardeners and the IVRPD

A second manner in which the IVCC's operations proved obsolete was due to the eventual success of the Isla Vista Recreation and Park District [hereafter "IVRPD"]. From the start, a large number of Isla Vista residents, landowners and homeowners did not feel incorporation was necessary to create a locally autonomous identity for the beachside community. It could be assumed these individuals were skeptical of the chances of success for such an endeavor as both the County and University were, from the start, antagonistic to such a proposal.

Strand, in her analysis of Isla Vista, outlines the greater roadblock faced by the IVCC in maintaining the momentum for an incorporated city when, by and large, those that lived and owned Isla Vista were ideologically defined by liberalism.¹¹⁹⁹ Strand outlines that in terms of Isla Vistans, liberal ideology was a philosophy that commanded individual rights as paramount, rights that were to be protected by a greater government entity to keep broader influences of economics, prejudice and oppression from realizing inequitable results.¹²⁰⁰ The IVCC, in pursuing cityhood for Isla Vista, was espousing conflicting *republican* values in asking those that lived and controlled the community to sacrifice some measure of private interest for the sake of a greater "utopian" community.¹²⁰¹ These ideologies, although pursued in parallel immediately after the June 10th Perfect Park Sit-in, became exclusive during the political campaign for incorporation. In 1973, although the IVCC attempted an argument that only republican sacrifice could maintain a liberal protection of rights,¹²⁰² this proved ultimately unnecessary as the County and UCSB administration had already become adequately responsive to Isla Vista concerns after the February 1970 Bank of America riots.¹²⁰³

One productive manner in which UCSB personnel became responsive to Isla Vista concerns was in terms of the built environment. To reiterate, just after the June 10th Perfect Park Sit-in, the Isla Vista community expressed three issues in solidarity: the necessity for self-policing, that the built environment be improved for livability, and an identity be pursued for the community that reflected its meaning from an indigenous source. Proposed simply to address the second of these two major issues, a logistical program for creating a new park district was pursued under the guidance of Economics Professor Andrew Wenick in 1971. Based on the findings and collective support of the community, this research led to the realization of an independent agency that

¹¹⁹⁹ STRAND, *supra* note 1099, at 173.

¹²⁰⁰ *Id.*

¹²⁰¹ *Id.* at 171 - 172.

¹²⁰² *Id.* at 242.

¹²⁰³ ZIEGLER-McPHERSON, *supra* note 124, at 18.

fundamentally altered the scope of local autonomy for Isla Vista.¹²⁰⁴ Unlike cityhood, the creation of a park district did not require a republican ideology for legitimacy and could logically align with the greater collective expression of liberalism. Ziegler-McPherson summarizes this emerging ideological compromise in the IVRPD's history:

To address Isla Vista's real problems of overpopulation and density, crime and unequal distribution of power and wealth, something more than a recreation and park district would appear to be needed. But for a wide variety of reasons, some political, some practical, a park district became the accepted solution.¹²⁰⁵

In Wenick's 1971 Spring Quarter Urban Economics class, a student named Carter Ray outlined a report on the necessary components to create a park district for Isla Vista. Ray continued to pursue the ends of this paper after the course by coordinating with the IVCC, expressing his political desires in the Planning Commission's Park and Land-Use Commission. After UCSB lost its lease on Perfect Park in late 1970, with faculty advisement and an IVCC referendum, Ray identified a new potential park location on Madrid Road. In the summer of 1971, Ray wrote an application for a Federal Housing and Urban Development [hereafter "HUD"] grant to build a community park at the center of Isla Vista's business district. Due to the requirements of HUD, the County of Santa Barbara accented as applicant for the grant, but as a condition precedent required an independent agency be created to maintain the park if the grant were awarded.¹²⁰⁶

With encouragement from County Supervisor Dan Grant and continued logistical assistance from the IVCC, Ray pursued the foundation of special district to manage the parks of Isla Vista, and by January 1972, County Supervisors had already voted in favor of creating the IVRPD.¹²⁰⁷ After concerted discourse between the landlording property owners and student-residents, the IVRPD was set for election on Halloween in 1972.¹²⁰⁸ With overwhelming success, the district was created by both the student-residents and the landowners, quickly installing a new board and appointing Carter Ray as the first General Manager of the district.¹²⁰⁹ The UCSB's newspaper read the following in August 1973 regarding the District:

The Park and Recreation District, as Isla Vista's first legally constituted and self-governing body, represents a unique victory for self-determination in this community. ... Its [the district's first park] location, adjacent to the site of the

¹²⁰⁴ *Id.* at 19.

¹²⁰⁵ *Id.* at 15.

¹²⁰⁶ *Id.* at 19 - 20.

¹²⁰⁷ *Id.* at 23.

¹²⁰⁸ *Id.* at 25.

¹²⁰⁹ *Id.* at 26.

destroyed Bank of America building (and site of the present B of A), will be a significant, if somewhat ironic, monument to the intervening years.¹²¹⁰

Even before the election, UCSB's faculty and administration endorsed the project with professional contribution in furtherance of Ray's endeavor to realize at least a single park in the downtown Isla Vista. UCSB campus planner Robert Henderson took up a position as an advisor to the IVCC for two years to teach land-use planning and create a community plan for Isla Vista.¹²¹¹ In regard to the first park in Isla Vista, UC Regent Norton Simon personally contributed nearly \$70,000 to purchase parcels necessary to preserve the necessary open space.¹²¹² In 1973 and 1974, UCSB allocated \$51,800 directly to the development of Madrid Park so as to continue to develop the project while the newly minted IVRPD waited for federal HUD grant monies to arrive.¹²¹³ The County, UCSB and a large number of homeowners and landowners overwhelmingly supported the creation of the park district having symbolic value beyond simply its practical value to the community and the health of the built environment. As a clear alternative to the IVCC's ultimate goal of cityhood, IVRPD was successful because it was clearly less threatening to the County and the University.¹²¹⁴

In spite of their initial support for the park district through the IVCC's actions, this fact of minor-autonomy was not beyond the awareness of IVCC's Radical Left organizers. Immediately after the Perfect Park Sit-in, those that had the political sway over the IVCC from the Radical Left – an ideologically republican, revolutionary hold according to Strand's analysis – felt the real fight was against police power and that the environmental movement “seemed downright wimpy.”¹²¹⁵ Days before the Perfect Park Sit-in, Tom Hayden personally warned the radical spectators of Isla Vista that the “Beautify America” movement whose mission was to “raise the standard of living in the ghettos,” was actually a ploy “to force the hippie squatters to move,” “ultimately turning the ghettos into parks.”¹²¹⁶ After the IVRPD's elective success and the IVCC's mounting insignificance with the newly created Foot Patrol and Park District, antagonism between the holdover political activists and the growing environmental movement created a rift.

As Isla Vista politics became increasingly antagonistic and hostile, many of the farmers [from the IVCC Food Coop and EcoCenter] dropped out, focusing their energies entirely on their gardens and working for change through the IVRPD. ... What they [the IVCC's political activists focused strictly on incorporation] failed

¹²¹⁰ *Orientation Issue*, DAILY NEXUS, 25 (Aug. 27, 1973).

¹²¹¹ LODISE, *supra* note 1106, at 82.

¹²¹² *Id.* at 79.

¹²¹³ *Id.* at 49.

¹²¹⁴ ZIEGLER-McPHERSON, *supra* note 124, at 16 - 17.

¹²¹⁵ *Id.* at 60.

¹²¹⁶ Judd, *supra* note 1085, at 126.

to recognize was the environmentalists' commitment to an entirely different way of thinking about both earth and society, and then trying to act on those ideas.¹²¹⁷

This IVRPD-based “bigger picture” course to pursue change and indigenously-sourced local autonomy in Isla Vista essentially maintained its status after 1975 simply because it was able to find sustainable funding and the problems of the built environment carried on indefinitely. More importantly, the establishment of the IVRPD did not offend Isla Vista’s ultimate preference for liberalism; in fact, it allowed an avenue to increase personal choice in the physical world for those that lived there. In 1975, two other major events occurred that served as a widespread antidote against the IVCC’s revolutionary venom targeting capitalist institutions:¹²¹⁸ the 26th Amendment to the U.S. Constitution was ratified and the Vietnam War finally ended. As the youth generation was now afforded broad suffrage in the United States and the “war machine” was no longer taking young people away to die, the youth movement no longer had the motivation necessary to continue in extensive counter-cultural change.¹²¹⁹

Having failed to create the utopian “liberated zone” envisioned in 1970, Isla Vista’s experiment in complete self-governance instead produced a “galaxy of community organizations,”¹²²⁰ all focused on maintaining at least the illusion of an alternative community.¹²²¹ In the end, what compelled those that lived in and owned Isla Vista to continue together as a community was:

the energetic pursuit of their individual lives – their classes, their friends, recreation. Focus on the common good gave way to individuals exercising their rights to operate, build, profit, express themselves and indulge themselves.¹²²²

In conformity with this overriding ideology for the community, IVRPD over the decades became both an apolitical organization *and* a final destination for the communal products of Isla Vista’s revolutionary time. After the gardeners that maintained the Food Coop and the Isla Vista EcoCenter defected to the IVRPD, by 1978, these environmentalists redefined their operations as

¹²¹⁷ ZIEGLER-McPHERSON, *supra* note 124, at 60.

¹²¹⁸ A great deal of local Isla Vista revolutionary fervor against the Vietnam War was based on the perception that profits from the war were created with the continued death of a non-voting youth, ultimately benefiting capitalist agents like the Bank of America. By discontinuing the use of the draft and allowing 18 year olds to vote, this logic combining war, death and profits was reconfigured in favor of a professional military service.

¹²¹⁹ STRAND, *supra* note 1099, at 173. The author explains that liberal ideology looks to the suffrage of the general population and each citizen’s exercise of their voting rights in directing the government as a mechanism to protect and exercise individual rights. Here, as the greater county government had ushered in two devices (the Foot Patrol and the IVRPD) to defend individuals from forces impending individual liberty, the necessity of incorporation was unnecessary.

¹²²⁰ ZIEGLER-McPHERSON, *supra* note 124, at 57.

¹²²¹ *Id.* at 138.

¹²²² STRAND, *supra* note 1099, at 261.

the “Farm Project.”¹²²³ Retreating away from normative political lines and structures, the IVRPD built upon the success of their gardeners and other social programs which attempted to tap into indigenous sources of community. This environmental perspective reframed and advanced the originating twin goals of building an alternative institution and buying land to preserve open space beyond the political framework advanced by the IVCC.¹²²⁴ Here, although many may have believed that this “alternative institution” was developed so as to realize some future utopian state; in fact, the alternative opportunities afforded by the IVRPD simply provided other vehicles for personal self-expression that did not rely upon mainstream norms and values.

D.4.1.1.10. Redefining Isla Vista as a Recreational Institution

In spite of its elected origination date in October 1972, the IVRPD did not own a single park until 1975 when it purchased and developed the Neighborhood Children’s Park located at 6695 Picasso. This acquisition and park installation was quite typical of a parks district and only took a total of seven months to complete in 1975.¹²²⁵ The quickness and straight forward nature of this park contrasts with the extensive timeline faced by the agency when advancing its organizational goal of providing parks by “alternative” means. In contrast, the IVRPD faced incredible difficulty in actually achieving its originating purpose to build a central park in downtown Isla Vista.

Madrid Park, which is today known as Anisq’ Oyo’ Park, is the primary downtown park for Isla Vista and has an iconic status for the community. As the proposed centerpiece of the IVRPD, Madrid Park was to represent the alternative meaning of a park to an activist community hosting a (former) “liberated zone.” The park was built at the center of the business community and funded from literally all the authoritative sources of governance that hold power over Isla Vista. Financing arrived from the County, the State (through UCSB and a UC Regent) and the Federal Government (through HUD), and due to this fact, took over five years to construct. This delay was in large part due to the extensive time required to receive and utilize the HUD grant awarded in 1974.¹²²⁶ Beyond this bureaucratic hold-up, the IVRPD’s preference for human labor over machines seriously elongated the time required to open the park.¹²²⁷

The park opened and was renamed on October 15, 1977 to Anisq’ Oyo’ Park, a name derived from the Chumash Indian word for the Isla Vista mesa. This park featured many of the alternative

¹²²³ ZIEGLER-McPHERSON, *supra* note 124, at 48 - 49. After transitioning into the IVRPD, the Farm Project became the Human Bean-Farm in the Fall of 1978.

¹²²⁴ *Id.* at 45.

¹²²⁵ *Id.* at 101.

¹²²⁶ *Id.* at 92.

¹²²⁷ *Id.* at 96.

mechanisms, or at least intentions prevalent for the notion of a community endeavoring to be self-sustaining. A pond collected water at the center of the park, which was intended to be stocked with fish that both ate mosquitoes and were edible by Isla Vistans. This pond had a coordinated water wheel-windmill, intended to pump water for greater irrigation of the site, including a grove of berries along the edge of the pond. An amphitheatre, trails, native trees, and a series of grassy areas were designed for both active and passive recreation.¹²²⁸ As was noted in terms of the whole revolutionary movement in Isla Vista, this centerpiece park of the IVRPD gave the illusion of progressive design, but in the end, only superficially referenced a possibility for indigenous resource accumulation and self-reliance.

Most of the planned local sourcing techniques ultimately did not work, or worse, were abandoned over time with apathy or a shortage of resources.¹²²⁹ In spite the selective success of the design of Anisq' Oyo' Park, it did become a major focal point for Isla Vista's unique culture *after* the Perfect Park Sit-in. Innumerable festivals, rock concerts, joint-rolling contests, community meetings, juggling competitions and parties have found their regular home in this park located at very center of Isla Vista's business, social and political nexus.¹²³⁰

D.4.1.1.11. IVRPD as Majority Landowner in Isla Vista

Even though Anisq' Oyo' Park opened in late 1977, due to the complex arrangements necessary to move forward with the project, IVRPD ownership of the whole park was not recorded until July 25, 1980.¹²³¹ By the time this flagship park was actually in the ownership of the District, the District itself had already become the largest landowner in Isla Vista. Between Anisq' Oyo's opening and ownership, the Park District had purchased a total of 20 parcels throughout Isla Vista.¹²³²

Once the IVRPD had become a legitimate institution of Isla Vista, the district came to support a series of community services otherwise unsatisfied but that were clearly beyond any normal definition of a parks agency. As the IVRPD was one of the only organizations that became institutionalized during the alternative movement in the late 1970s, the organization maintained communitarian values, a high tolerance to difference, and a holistic attitude towards natural

¹²²⁸ *Id.* at 96 - 99.

¹²²⁹ *Id.* at 97.

¹²³⁰ LODISE, *supra* note 1106, at 79-81.

¹²³¹ Correspondence from Katelynn Boettcher, Historian at ISLA VISTA RECREATION & PARK DISTRICT (Feb. 9, 2011).

¹²³² ZIEGLER-McPHERSON, *supra* note 124, at 131.

resources long after such notions had died out in the community the District served.¹²³³ With its legal structure, tax base, and fundamentally governmental function, the Parks District became the final destination for these programs to either successfully reorganize or find their rational end. As IVRPD historian Ziegler-McPherson puts it:

unable to get past LAFCO to get an actual [I.V. cityhood] proposal on the ballot, but with many community problems unaddressed, the IVRPD gradually began to assume the role of a city council, acting as a type of shadow government. At IVRPD meetings in the 1970s and 1980s one was just as likely to hear announcements from directors about anti-nuclear demonstrations, the women's movement, or the civil war in Northern Ireland as about local or county issues. Residents regularly turned to the Park Board and District to provide services that were increasingly out of the IVRPD's jurisdiction. It was this functioning as Isla Vista's de facto government that further added to tensions with property owners in Isla Vista, making the IVRPD even more of a lightning rod for attacks and nasty politics.¹²³⁴

D.4.1.1.12. Little Acorn Park

In Northern California, many of the counter-culture activists who arrived in San Francisco in 1968 later moved into the rural areas of Marin, Mendocino and Humboldt Counties as a part of the “back-to-the-land” movement. This movement was largely driven by those that decided to start their own family and collective plots rather than return to mainstream society after the counter-culture movement lost its mainstream momentum. In many cities, this movement was directed at refurbishing urban blocks as micro-scale agricultural development as an effort to break away from the norm of capitalist food production and distribution. Isla Vista had its own promoter of such an agrarian-intentioned enterprise in Hugh Carroll, a man who found his eco-pacifist calling in 1968 at the time when the UCSB administration was pushing for a highway expansion over the Goleta Slough.¹²³⁵

Carroll and his wife took their back-to-the-land movement seriously in Isla Vista, first by co-creating the relatively sophisticated Food Coop in 1969, then by expanding that enterprise into a greater Farm Project, which morphed into the “Human Bean-Farm” once it was under the care of the IVRPD in 1978.¹²³⁶ So as to create a completely internal “producerism” (in contrast to a consumerism) course for Isla Vista, Carroll opened a small business retail outlet called The New World Resource and Supply Company.¹²³⁷ With the Food Coop, the New World Resource, and

¹²³³ *Id.* at 138.

¹²³⁴ *Id.* at 67 - 68.

¹²³⁵ STRAND, *supra* note 1099, at 165.

¹²³⁶ *Id.* at 164. *See also* ZIEGLER-McPHERSON, *supra* note 124, at 47 - 48.

¹²³⁷ *Id.* at 165.

burgeoning urban horticultural enterprises, Carroll was leading a group of Isla Vistans to reject modern technology and work backwards towards “aboriginal innocence.”¹²³⁸ Carroll and his wife lived in a home in Isla Vista, growing profusely on their grounds and refusing to live with the modern conveniences of a telephone, gas or electricity.¹²³⁹

Building upon his success as an agrarian entrepreneur in Isla Vista, Carroll formed a partnership with Mrs. Nora Belle Curran, the landowner of a plot of land directly across the Embarcadero Del Mar (street) from Perfect Park. Prior to their partnership, this triangular plot of land had an active life in the counter-culture movement of the community. During the riots of 1970, protestors would regroup on this property now established as the Little Acorn Park so as to avoid the police who were stationed in Perfect Park to disrupt riots.¹²⁴⁰

In the Spring of 1970, under the advisement of Carroll the eco-pacifists were granted permission by Curran to legitimately take over this plot of land as a temporary farming enterprise, creating a “little piece of farmland in Isla Vista.”¹²⁴¹ Then, when a single “volunteer” who had set up a leather-shop-temporary-housing-sculptural-exhibition took over much of the parcel, a more legitimate relationship was necessary so as to evict the offending patron and institutionalize the success of the gardens on Curran’s property.¹²⁴² After the IVCC helped police the leather-worker off the property, Carroll and Curran became general partners in a nursery enterprise to provide gardening supplies, trees, plants and shrubbery to Isla Vista. A unique lathehouse was built on the property so as to support the small business, as well as plots for approximately 15 gardeners that continued their community agricultural project well into the 1980’s.¹²⁴³

Although the gardening enterprise was successful for a time, by 1978 the plot of land was sold to the IVRPD for \$146,000.¹²⁴⁴ The IVRPD did maintain nursery activities on the property at least until 1980, and community gardens continued for a few more years based on volunteer activities.¹²⁴⁵ By 1985, the unique lathehouse had fallen into disrepair and the gardens had transitioned into a popular loitering location for Isla Vista’s homeless. Perhaps reflecting the fact that the IVRPD never intended to run the nursery as an agricultural operation in the first

¹²³⁸ *Id.* at 166.

¹²³⁹ *Id.* at 167.

¹²⁴⁰ ZIEGLER-McPHERSON, *supra* note 124, at 104.

¹²⁴¹ STRAND, *supra* note 1099, at 165.

¹²⁴² ZIEGLER-McPHERSON, *supra* note 124, at 105.

¹²⁴³ *Id.*

¹²⁴⁴ *Id.* See also IVRPD Mtg. Mins., Motion 78-125 (May 4, 1978).

¹²⁴⁵ IVRPD Mtg. Mins., Motion 790802-09 (Aug. 2, 1979).

place,¹²⁴⁶ several iterations of park improvements have led to today's park which is largely open, grassy and unrecognizable as a former nursery.¹²⁴⁷

In the greater community narrative, this early successful organization of the alternative community was passed on to the IVRPD so as to be redeveloped or gently discontinued. As the nursery did not find a new breath of collective meaning after the 1978 purchase, the Park District found a rational and communally acceptable end to this counter-culture enterprise. Eventually fitting of the goals of the IVRPD, the Little Acorn Park is now a beautiful, central park for Isla Vistas to enjoy.

D.4.1.1.13. District Craft Center/IVRPD District Headquarters

Another endeavor to maintain the alternative roots of the Isla Vista and the “producerism” mantra led to the creation of the Craft Center in the downtown business district. Where today the IVRPD District Office stands, this structure has experienced two major iterations of use since the foundation of Isla Vista. Up until the time of the riots, this building was used as an Exxon gas station, most recently known as Danny's Enco.¹²⁴⁸ Immediately after the riots and the counter-culture movement reconfigured the community, the population of Isla Vista temporarily decreased and the gas station closed.

The IVRPD pursued control of the abandoned gas station by leasing it in 1974, opening it as a craft center, tool loaner office, sports equipment checkout, and a trade-based educational facility. Having run the facility for five years, the district was presented the opportunity to purchase the gas station in 1977.¹²⁴⁹ On January 19, 1979, the IVRPD recorded the deed after purchase and continued to use the central location as a craft center, alternative education facility, and the site for recycling collection and management.¹²⁵⁰

By 1986, a combination of events occurred leading to the diminished capacity of the craft center and relocation of the District Office to this location in 1987. First, interest in the services provided at the center was extremely low, although some nominal level of craft activity did continue until 1994.¹²⁵¹ Second, the “Pink House”¹²⁵² where the District Office was located just

¹²⁴⁶ IVRPD Mtg. Mins., Motion 78-74 (Mar. 16, 1978).

¹²⁴⁷ ZIEGLER-McPHERSON, *supra* note 124, at 106 - 108.

¹²⁴⁸ *Id.* at 51.

¹²⁴⁹ *Id.* at 51 - 53.

¹²⁵⁰ Correspondence from Katelynn Boettcher, *supra* note 1231.

¹²⁵¹ ZIEGLER-McPHERSON, *supra* note 124, at 247.

prior to 1987 was physically overwhelmed supporting Isla Vista's homeless programs, and moving the District Office downtown appears to have become a method to accommodate the legal requirements for housing public meetings necessary for IVRPD business.¹²⁵³ Another underlying benefit of the downtown location is its close proximity to the Anisq' Oyo' Park and the multitude of civic amenities the flagship park provides both for the community and the District. Much like the nursery at Little Acorn Park, the craft center's services were legitimately inherited by the IVRPD once the District became institutionalized, but after nearly two decades of operation, this holdover from the 1970's as well was unwound due to both changing politics and a lack of interest..¹²⁵⁴

D.4.1.1.14. Tipi Village

Due to both the high rents of Isla Vista and the alternative lifestyle possible in the comfortable weather of the region, students began to live in tents and tipis in Isla Vista in the late 1960s. As demand for housing had literally outstripped the supply, Hugh Carroll began to offer new tipi kits in his New World Resources and Supply Company for approximately \$400.¹²⁵⁵ By the early 1970's, this superficially aboriginal form of living was offered as one of the many "transitional tools and resources" for those interested in rejecting modern technology.¹²⁵⁶ Although these began as a manner in which to pack even more people on housing lots in backyards, by 1971 the improvisational housing form began to populate on undeveloped parcels.¹²⁵⁷

By 1978, an entire commune had developed between the cul-de-sac of Estero Road and the open parcel located at 6730 Sueno, which is the current site of the Tipi Village Park. This commune was self-governing and offered themselves up as a "non-consumptive alternative lifestyle" for the Isla Vista community. They collectively paid property taxes on the vacant lot on behalf of the owner while growing an abundance of food for the Farm Project and using the Pink House's bathrooms for hygienic purposes. As early as January 1976, complaints began to reach the County regarding the villagers, and the County Supervisors effectively put issues of health and zoning violations on hold until 1978.¹²⁵⁸

¹²⁵² The Pink House was located at Estero Park at the 6700 block of Sueno and Estero Streets. Today, the YMCA Teen Youth Center is located at the spot the Pink House once stood. The Pink House was the District Office for the IVRPD from 1978 until 1987. See ZIEGLER-McPHERSON, *supra* note 124, at 110.

¹²⁵³ *Id.* at 46.

¹²⁵⁴ It should be noted that in 1994, the politics of the IVRPD board became quite conservative and nearly all social programs that were previously supported by the District discontinued.

¹²⁵⁵ LODISE, *supra* note 1106, at 86.

¹²⁵⁶ STRAND, *supra* note 1099, at 166.

¹²⁵⁷ LODISE, *supra* note 1106, at 86. See also ZIEGLER-McPHERSON, *supra* note 124, at 68-9.

¹²⁵⁸ ZIEGLER-McPHERSON, *supra* note 124, at 69 - 70.

Since the IVRPD was already becoming increasingly involved in the Farm Project, the Tipi Village solicited help from the District to find a compromise to allow the commune to continue and meet the health and safety codes of the County. The IVRPD believed they could afford a method for the villagers by purchasing the property, rezoning it as a campground, and installing appropriate campground sanitary facilities for use by the tipi residents. After extensive coordination with the County regarding this proposed solution, the District successfully purchased and recorded the deed on the property by June 12, 1979.¹²⁵⁹ Further, the IVRPD board had garnered overwhelming popular support for the commune in Isla Vista, and had won over the County Planning Commission who recommended to the County Supervisors the rezone of the property to a “campground” status was appropriate for approval.¹²⁶⁰

Unfortunately for all those involved, the politics between the IVRPD and the Isla Vista Sanitary District, another agency whose approval was necessary, turned sour before the District’s application reached the County Supervisors. Based on the Sanitary District’s negative recommendation and protests from a tight-knit group of Isla Vista homeowners who were all members of the St. Athanasius Church, in September of 1979, the County Supervisors denied the rezone application, thereby rejecting the commune’s right to continue to exist. Based on the terms of a lease drawn up between the IVRPD (as the new landowners) and the Tipi Villagers, the Park District gave the commune a 30-day notice to evict the property. Although a massive number of garden plots installed by the Tipi Village still populate what is today Estero Park, no tipis or shacks are present.¹²⁶¹

Proving the importance of experience in the management of a Parks District, the IVRPD metaphorically “fumbled” the execution of this complicated, yet acceptable plan to rationalize the unique and popular commune into the institution of the Parks District. One could argue that in the end, the commune would have only lasted a few more years like the nursery and the craft center, but regardless, the effort and political capital spent on this endeavor was clearly wasted due to the unprofessional manner the District coordinated with the public and the County agencies. Ziegler-McPherson in explaining the events of the Tipi Village outlines a multitude of actions that amounted to personal attacks made by members of the Parks District against the Isla Vista Sanitary District.¹²⁶² In hindsight, it is difficult to understand how these actions could have helped the Park District’s attempt to ultimately win the majority favor of the County Supervisors. Regardless of fault or other intentions, the IVRPD became the vehicle for one final attempt at

¹²⁵⁹ Correspondence from Katelynn Boettcher, *supra* note 1231.

¹²⁶⁰ ZIEGLER-McPHERSON, *supra* note 124, at 71.

¹²⁶¹ *Id.* at 73. See also LODISE, *supra* note 1106, at 86 - 89.

¹²⁶² *Id.* at 71 - 74.

continuing this unique expression of communal living, and that collective expression came to an end literally by eviction notice of the District. In an ironic turn of events, the IVRPD was now “walking in the shoes” of its greatest ideological adversary, the landlording property owners of Isla Vista. In the end, the IVRPD gained from the spoiled politics with an increased measure of open space and a reified image of valiantly defending the “alternative” community in Isla Vista.

D.4.1.1.15. Sundry Social and Cultural Services

In its position as the only locally responsive public landowner for Isla Vista, the IVRPD found itself at the center of providing a series of social services that were otherwise unmet. This includes but is not limited to a long-standing recycling program, an intensive youth project (1973), the organization of a skateboard park (1986), a dirt bike motor cross, self-defense & rape prevention courses (1984), live music promotion (1986), live performance promotion,¹²⁶³ and between 1978 and 1992, extensive support of Isla Vista’s homeless population. In fact, throughout the 1980’s, organizing the shelter and nourishment of Isla Vista’s homeless population became a defining aspect of the IVRPD’s budget, park planning, and utilization of its limited built resources.

Even as the IVRPD spent more time and resources on the problem, the conditions did not improve overall in Isla Vista. In 1989, Richard Reed, a homeless man who could not find shelter, died outside the Red Barn in Estero Park from bronchitis.¹²⁶⁴ His death led to the primary use of IVRPD properties as homeless shelters and food delivery support.¹²⁶⁵ Unfortunately, the IVRPD found little support for such efforts from the County, community churches, or neighboring cities.¹²⁶⁶ The student body at UCSB was helpful in managing these services with volunteer staff from the Community Affairs Board.¹²⁶⁷

From the start of 1980s until 1992, a clear generational shift occurred that realigned the priorities of the IVRPD’s activities. After losing in the efforts to save the Tipi Village, the first generation of IVRPD Board members were increasingly replaced with a second generation who endeavored to do more than simply preserve the remaining cultural artifacts of Isla Vista’s “alternative community” heritage. Instead, this second generation had little interest in utopian

¹²⁶³ Such performances promoted by the IVRPD include the Gorilla Theatre and the Jugglers’ Festival. *See id.* at 138.

¹²⁶⁴ *Id.* at 151.

¹²⁶⁵ *Id.* at 151 - 155.

¹²⁶⁶ *Id.* at 149 – 156.

¹²⁶⁷ *Id.* at 151.

plans or liberated zones, and was focused on improving the greater community while providing improved park land for recreation.

This second generation led the IVRPD to address social and student-resident concerns such as homelessness, resident safety, and the defense of community-wide recreational activities. Such activities are numerous, but clearly include live music, public artistic performances, and a general right to public alcoholic partying at the parks.¹²⁶⁸ This newfound focus on the conditions of the community stretched well beyond a “Just Parks” mentality prayed for by the members of the IVA.¹²⁶⁹ And by 1992, the increasing weight of the social problems facing Isla Vista pointed IVRPD’s Board to organize for greater municipal authority and possible cityhood.¹²⁷⁰ In contrast, the focus of the IVRPD on the social ills of Isla Vista only united homeowners and landowners in their recent efforts to take over the Park District Board by election.¹²⁷¹

D.4.1.1.16. The Committee to Save Perfect Park

Not only had the Park Board changed as the IVRPD grew in size and social responsiveness, by 1986, a nightclub had replaced the Bank of America in its downtown location and successfully secured the first and only liquor license in Isla Vista. The UCSB campus and its reflective Isla Vista population were changing as the Greek system flourished and alcohol became the drug of choice over marijuana.¹²⁷² Another telling difference in the business district of Isla Vista was that the St. Athanasius Church [hereafter “SAC”] had purchased and moved into the building just adjacent to Perfect Park, a structure originally built to temporarily house the Bank of America after the original branch structure was burned in February 1970.¹²⁷³ In 1984, the church was then able to purchase the property under Perfect Park in spite of IVRPD’s multiple attempts to do so, planning to expand their church properties in the latter half of the decade.¹²⁷⁴ By 1987, the church’s conceptual plans moved relatively quickly as a water meter was installed on the Perfect Park site to further construction.¹²⁷⁵

In August 1988, the SAC then took their schematic plans to the County of Santa Barbara for planning approval, outlining plans for a new fellowship hall, expansive parking lot, educational

¹²⁶⁸ *Id.* at 102, 105, 155, and 197.

¹²⁶⁹ *Id.* at 240 - 241.

¹²⁷⁰ *Id.* at 161.

¹²⁷¹ *Id.* at 238.

¹²⁷² *Id.* at 131-2.

¹²⁷³ *Id.* at 227.

¹²⁷⁴ LODISE, *supra* note 1106, at 119 - 120. Lodise writes that the Church was able to purchase the property for \$250,000, an amount that is well under the \$350,000 purchase price offered by the IVRPD. Lodise outlines that the property owner was prejudicial against the IVRPD due to the District’s longstanding pro-ecological stand in Isla Vista.

¹²⁷⁵ ZIEGLER-McPHERSON, *supra* note 124, at 213 - 214.

center, child care facilities, and a second story on the main existing congregation facility. Citing extensive traffic problems, the County Planning Commission denied the planning application for the SAC's complete build out of the Perfect Park site.¹²⁷⁶ Then, on November 21, 1989, after applying directly to the County Supervisors with the same plans, the Supervisors unanimously approved the first phase of the project, affording the SAC a right to build a 1,200 square foot expansion and 61 new parking stalls for the congregation.¹²⁷⁷

Since SAC purchased the property in 1984, the IVRPD had been in constant negotiations with the church to devise a mutually beneficial land swap to keep the Perfect Park site undeveloped and provide room for the congregation to grow. After the SAC gained the right to begin development of the site in 1989, negotiations became difficult as an independent "Committee to Save Perfect Park" formed and called for the IVRPD to employ its special district power of eminent domain to condemn and purchase the Perfect Park property from SAC.¹²⁷⁸ Fearing the worst, the SAC moved forward with its approved plans and began construction of Phase 1 on April 30, 1990, installing 61 new parking slots running adjacent to Embarcadero Del Mar and Embarcadero Del Norte at the bottom of the "cup" of the Isla Vista business district.¹²⁷⁹

Although both the SAC and the IVRPD preferred to eventually arrange an appropriate land swap rather than proceed with an eminent domain proceeding, the Committee to Save Perfect Park exhibited a greater popular support for condemnation proceedings. After gathering 1,700 signatures in just a few weeks, the initiative to condemn and purchase the Perfect Park site was placed on the upcoming election ballot. So as to further insure that the IVRPD was legally in the right if the initiative passed, the District required that a super-majority approval (2/3rds vote in favor of condemnation and purchase) was afforded before unilaterally acting on the election's results. If only a majority passed the initiative, then the IVRPD reserved the right to only pursue purchasing the site as was financially and politically reasonable.¹²⁸⁰

In June 1991, the initiative passed with a very small majority, allowing the IVRPD to avoid using its rights to condemn the property, but advancing serious negotiations with the SAC to allow the District to purchase the property. With the passage of the initiative, the IVRPD now had the funding necessary to purchase the property as a bond was embedded with the initiative election. In February 1992, the IVRPD Board approved purchase of the Perfect Park site for an asking

¹²⁷⁶ *Id.* at 215.

¹²⁷⁷ *Id.*

¹²⁷⁸ *Id.* at 216-7.

¹²⁷⁹ *Id.* at 217.

¹²⁸⁰ *Id.* at 224 - 225.

price of \$1.2 million.¹²⁸¹ By November, the deed was recorded with the County.¹²⁸² Rather than undertake the expense to demolish the new parking lot installed by the SAC, currently the District leases the spaces back to the church for \$1 per month.¹²⁸³ Today, the SAC continues its religious practices adjacent to Perfect Park in the former, temporary location of the Bank of America.

D.4.1.1.17. New Priorities for a ‘Just Parks’ Recreation & Parks District

The bond election and purchase of the Perfect Park property for a 480% premium¹²⁸⁴ was the final straw for the IVA contingency of the Isla Vista community. Having already secured one member on the Board for some time, in November 1992, the landowners and homeowners elected three of the five officials to create a majority on the IVRPD Board.¹²⁸⁵ Immediately, major changes were undertaken to focus simply on park maintenance as many long-time supporters of the progressive IVRPD form feared the district would find its end under the new IVA sourced leadership. Within a month’s time, the new Board asserted a non-activist position in its management of the park properties of Isla Vista, stating:

BE IT RESOLVED that the Isla Vista Recreation and Park District declares itself to be politically neutral on all local, domestic and foreign matters and that members of the Board and Staff are prohibited from taking positions in the name of the District either supporting or opposing any political action, cause or party. All political positions taken by previous boards are repudiated. Examples of prohibited activity include taking positions on local cityhood campaigns or condemning a foreign war.¹²⁸⁶

Over the past twenty years, the IVRPD’s actions had both solidified the agency’s role as an established, legitimate part of Isla Vista and proven time and again that the District’s commitment to preserving the “alternative” culture of Isla Vista was an inefficient enterprise. Through the years, events of District mishandling created an image for the homeowners that the IVRPD was ill-prepared to manage the mission it had been elected to handle. As it concerns the Ansiq’ Oyo’ park, facilities created to collect and distribute water via the pond and windmill never found success. During the IVRPD’s association with Hugh Carroll, the District purchased two horses for \$3,500 as a non-mechanized method of agricultural development, recycling

¹²⁸¹ *Id.* at 229.

¹²⁸² Correspondence from Katelynn Boettcher, *supra* note 1231.

¹²⁸³ ZIEGLER-McPHERSON, *supra* note 124, at 229.

¹²⁸⁴ This premium estimate is based on Lodise’s findings that the SAC paid \$250,000 for the property in 1984, and then sold the property to the IVRPD for \$1.2 million in 1992. *See* LODISE, *supra* note 1106, at 119, 123 - 124.

¹²⁸⁵ ZIEGLER-McPHERSON, *supra* note 124, at 240.

¹²⁸⁶ IVRPD Mtg. Mins., Motion 930107-05 (Dec. 17, 1992).

pickup and beach clean-up.¹²⁸⁷ The district then hired Carroll as a personal trainer/horse consultant for \$1,400 two months later,¹²⁸⁸ and after naming the horses Marx and Mao,¹²⁸⁹ by September the District was already attempting to resell the horses back for the purchase price.¹²⁹⁰ By 1981, the District was forced to sell the horses to Carroll for the amount owed him for keeping the animals for the past two years.¹²⁹¹

Although the horse incident was comical, other more serious incidents caused concern for the homeowners in terms of the “professional citizens”¹²⁹² that ran these remainder organizations that sprung from the 1970 riots. In 1980, the IVRPD’s General Manager Paul Pooley was caught misappropriating approximately \$5,500 from the District’s funds to support a personal cocaine addiction. Pooley was convicted in the affair and spent 18 months in prison.¹²⁹³

Five years later, IVCC leader and longtime IVRPD director Carmen Lodise was suspected of stealing approximately \$8,000 worth of U.S. Postal Service stamps. As the local Post Office was managed by the IVCC, this was a major funding resource for the community-building organization. After the stamps were stolen, the Post Office ended its relationship with the IVCC, defunding and inadvertently killing the organization.¹²⁹⁴ Lodise had been a major IVRPD advocate in the Tipi Village campaign, and according to a critical analysis of his performance, most likely turned the Isla Vista Sanitary District against the Park District’s plans with his personal attacks on the Sanitary District’s approach to considering the campsite rezone.¹²⁹⁵ Needless to say, by his own admission in 2005 Lodise “retired to a fishing village in Mexico.”¹²⁹⁶

According to the IVA and the homeowners on the west end, the brunt of this inefficiency was born disproportionately on the taxpaying backs of the R-1 homeowners of community. According to organizers in single-family neighborhood, these residents paid 5% of the IVRPD’s levied taxes although they only made up 1% of the community’s population.¹²⁹⁷ Recent moves by the IVRPD to increase District support of the homeless combined with the politically charged

¹²⁸⁷ IVRPD Mtg. Mins., Motion 790412-3 (Apr. 12, 1979).

¹²⁸⁸ IVRPD Mtg. Mins., Motion 790621-11 (Jun. 21, 1979).

¹²⁸⁹ IVRPD Mtg. Mins., Motion 790705-7 (Jul. 5, 1979).

¹²⁹⁰ IVRPD Mtg. Mins., Motion 790920-4 (Sep. 20, 1979).

¹²⁹¹ IVRPD Mtg. Mins., Motion 811015-5 (Oct. 15, 1981). Here, the minutes state the amount for sale was \$1,000, but according to IVRPD historian Ziegler-McPherson, the horses were simply given to Carroll in exchange for the costs of boarding the animals for two years. *See* ZIEGLER-McPHERSON, *supra* note 124, at 50.

¹²⁹² ZIEGLER-McPHERSON, *supra* note 124, at 163. This term was applied to the most lasting agents of the “counter-culture” residents that continued in Isla Vista politics well into the late 1980s.

¹²⁹³ *Id.* at 133.

¹²⁹⁴ *Id.* at 192.

¹²⁹⁵ *Id.* at 71-2. *See also* LODISE, *supra* note 1106, at 86 - 89.

¹²⁹⁶ LODISE, *supra* note 1106, at *backcover*.

¹²⁹⁷ ZIEGLER-McPHERSON, *supra* note 124, at 230.

method Perfect Park was purchased, the members of the IVA felt a necessity to outspend and out-campaign the more progressive candidates running for the IVRPD Board so as to end the misuse of their tax revenues.¹²⁹⁸

Immediately after the election, nearly all social programs were cut and the working environment of the Park District dramatically changed. Within months, most of the previous board's staff resigned and the newly appointed general manager was forced to learn most of the duties of the District without the institutional knowledge that typically carries over from election to election.¹²⁹⁹ Simply drawing up an appropriate budget was a difficult task for the new general manager Roger Lagerquist, necessitating that the Board meeting to discuss the District's annual budget be postponed in 1993 to allow completion and appropriate director review.¹³⁰⁰ This postponement led to protracted legal action, defining the period that the homeowner representatives held a majority of the IVRPD Board from 1992 until 1996.¹³⁰¹ Beyond the thousands eventually spent on legal fees, the homeowner majority placed budgetary priorities on mechanization of park maintenance equipment, the installation and networking of the office computer system, and greater measures for an overall character of District professionalism.¹³⁰² Beyond the streamlining of the District, this majority also developed the Kid's Trail Park in 1994, a property on the northwest end of the homeowner's neighborhood. More importantly, the homeowner's turn as the majority of the board allowed the directors to pursue the political vendettas and grudges that the R-1 zone of Isla Vista had collected over the past 20 years.¹³⁰³

Although painful for Isla Vista, this time of leadership rotation seems to have given the homeowners a period of cathartic expression. In spite of the opportunity of the new majority to literally defund, dissolve or merge the services of the IVRPD with other county park services, the homeowner majority did not pursue any one of these courses of action seriously.¹³⁰⁴ Instead, they reflected their own beliefs regarding the district in the budget allocation, management and use of District funds. In contrast to the community orientation of the IVRPD, they pursued a "parks only" agenda with heightened professionalism and efficiency.

¹²⁹⁸ *Id.* at 239 - 240.

¹²⁹⁹ *Id.* at 246.

¹³⁰⁰ *Id.* at 252.

¹³⁰¹ *Id.* at 272.

¹³⁰² *Id.* at 255.

¹³⁰³ *Id.* at 257.

¹³⁰⁴ *Id.* at 187. In 1986, dissolution of the IVRPD was discussed as a consequence of ballot initiatives to annex Isla Vista into the greater City of Santa Barbara. At the time of this election, LAFCO commissioned a study on the method to dissolve the IVRPD.

After the IVA's representatives had a time at the helm of the District, attitudes changed towards the District's place in the Isla Vista community. At the same time the homeowners gained control of the District, the County was moving in the opposite direction and looking to bolster the local autonomy of Isla Vista. Defining the new attitude of the County towards Isla Vista, officials believed that "from the County's perspective, there are two options: creating a governmental structure or turning I.V. into an armed camp."¹³⁰⁵ Perhaps most telling of the new status of the IVRPD after the tenure of homeowner majority, Isla Vista's most notoriously anti-IVRPD landlord, Chuck Eckert, admitted in 1997 that the majority of property owners were now sympathetic to the District's need for secure District funding. More importantly, he admitted in the UCSB's Daily Nexus newspaper that the parks contributed to a higher quality of life and property value.¹³⁰⁶

D.4.1.1.18. Isla Vista's Established Alternative to Incorporation

Since the mid-1980s when the IVRPD had little more than a typewriter in terms of mechanized office equipment, those staffed to execute the Park District's mission have suffered the mindset of "trying to do too much with too little resources," leading to a poor public image and shoddy work.¹³⁰⁷ Although expedited with the homeowner's majority hold over the Board from 1992 until 1996, the District staff have since 1984 been a driving force behind the professionalization of the IVRPD as volunteerism diminished and accountability for Park performance has been left solely on the shoulders of the staff, most importantly the General Manager.¹³⁰⁸

Just after the homeowners took a majority of the District Board, a new organization formed from the student-resident population called the Coalition for Parks and Recreation. This group organized after traditional social services were stripped from the budget and a general air of negativity had engulfed the Park District's activities.¹³⁰⁹ By 1996, with candidates endorsed by the Coalition organization, the homeowners' majority was defeated and a more activist Park Board convened to reconstitute the IVRPD's historic responsiveness to resident needs in the

¹³⁰⁵ *Id.* at 236.

¹³⁰⁶ *Id.* at 282. Eckert was a major contributor to political campaigns to stop IVRPD initiatives and for decades led the IVA against Park District expansion. *See also* LODISE, *supra* note 1106, at 67. Lodise affords Eckert a half-page of his book on page 67, describing Eckert's political position as one "at the center of opposition to any kind of city government for Isla Vista, even the inclusion of Isla Vista in a new city of Goleta in 2001."

¹³⁰⁷ *Id.* at 173.

¹³⁰⁸ *Id.* at 173 and 291. Ziegler-McPherson details how the General Manager Derek Johnson did the bulk of the "Measure A" initiative in 1997 alone, something that is in complete contrast to the collective efforts of the Park District's efforts in the 1970s. Unlike most measures of the 1970s, Measure A passed with very little controversy in Isla Vista, clearly favored by residents, property owners and the homeowners alike as a method for refinancing the unique recreation institution most had come to depend on in their community.

¹³⁰⁹ *Id.* at 266.

community. The new candidates largely won their positions over homeowner incumbents due to the perception that the '92 – '96 Board's attitude was "indifferent, if not hostile, toward young people."¹³¹⁰

The new student-resident majority over the IVRPD quickly reoriented the District with a more progressive staff, and then in 1998, handily won reelection without protest by the IVA.¹³¹¹ In 1997, a special tax was put on the ballot to redefine the former byzantine method of collecting revenues to maintain the IVRPD's park maintenance.¹³¹² The measure won without fanfare or ugly politics with most homeowners, property owners, businesses and residents all behind its passage. Considered the manner in which the *new* IVRPD performs after 1996, the measure went through with professionalism, hard work, and a clear intention of inter-interest equity. With passage, the Park Board has a regular annual budget of approximately \$500,000 to perform its recreational duties.¹³¹³

Further evidence of the newfound institutional trust found in the IVRPD in representing an inter-interest perspective for Isla Vista is the Park District's recent coordination with the University and the County to establish a Master Plan for the community. In 1992, the IVRPD was approached by the UCSB to tri-coordinate with the County on a Community Enhancement Committee. This committee revisited the prospect of incorporation as an avenue to improve Isla Vista's services as well as other forms of local autonomy like the establishment of a community service district.¹³¹⁴

After investigation, the report of the Community Enhancement Committee led the County to commit a greater planning role in Isla Vista. In 1993, a Goleta Community Plan was adopted that included land-use concerns important to its unincorporated neighbor, Isla Vista.¹³¹⁵ By 2000, the County, UCSB and the IVRPD signed a memorandum of understanding (MOU) to jointly fund and develop a Master Plan for Isla Vista. The Master Plan was authored, published and approved by August of 2007 with the productive coordination of all three jurisdictional bodies.¹³¹⁶ Further, UCSB published its final draft of the Vision 2025: Long Range Development Plan in 2010, a report that included direct reference and policy initiatives to further the goals of

¹³¹⁰ *Id.* at 266.

¹³¹¹ *Id.* at 275.

¹³¹² According to Ziegler-McPherson, these new methods of revenue generation were required due to the new tax landscape created by Proposition 218. See *id.* at 281.

¹³¹³ *Id.* at 281-2.

¹³¹⁴ *Id.* at 233-4.

¹³¹⁵ Isla Vista Master Plan, COUNTY OF SANTA BARBARA, 1-2 (Aug. 2007).

¹³¹⁶ *Id.* at 1-8.

the Isla Vista Master Plan.¹³¹⁷ No longer the miscreant community without an advocate, Isla Vista has now found an *unincorporated* balance of power within the elements of the dominant culture, collectively enunciated through the IVRPD's Board of Directors and professional staff created on Halloween in 1972.

D.4.1.2. More Than Just Parks

As the Isla Vista Recreation & Park District approaches a 40-year milestone, the local agency's park improvements now reach every corner of Isla Vista. Within the community, the District functions as a small land trust, conserving and maintaining relatively large areas of Isla Vista property in furtherance of the ecological health of the region (*See TABLE 20*). Focused more on the recreation than traditional parks maintenance, the District also maintains multiple beach access facilities, a skate park, massive organic gardening plots held over from the Farm Project, youth programs carried over since the late 1960s, craft activities, food distribution services, and an extensive volunteering program.¹³¹⁸ Although redefined into contemporary mechanisms, many of the alternative community attributes live on today in the annual programs of the IVRPD without the color of a revolutionary rhetoric that was prevalent in the 1970s.

Further, the contemporary IVRPD is more professional and thorough in its procedures than decades past. Adopted in 1998, both an extensive Policy Manual and Master Plan effectively govern both the Board and executive staff in furtherance of the mission of the District. In 2010, a Habitat Management Plan was adopted for the larger parks and the major ecologically sensitive open spaces including Camino del Sol Open Space, Del Sol Vernal Pools, Estero Park West, Del Playa Open Space, and Anisq' Oyo' Park.¹³¹⁹ Both in the annual fiscal periods of 2010- 2011 and 2011-2012, the IVRPD has a budget of approximately \$2.3 million, divided between the four major Park District categories of salaries, projects, services and supplies.¹³²⁰ Most importantly, as outlined by the IVRPD General Manager Derek Johnson in 2006:

The park district provides something different for the community, from their own hometown experience, the parks are a little bit different, they're more intimate, and they are venues for physical and social enrichment.¹³²¹

¹³¹⁷ Vision 2025: UC Santa Barbara Long Range Development Plan, OFFICE OF CAMPUS PLANNING & DESIGN, B-4 (Mar. 2008).

¹³¹⁸ *Recreation Program*, ISLA VISTA RECREATION & PARK DISTRICT (2011) <http://www.ivparks.org/recreation_programs/recreation_programs.html>.

¹³¹⁹ Habitat Management Plan & Parks Maintenance Plan, ISLA VISTA RECREATION & PARK DISTRICT, 1-1 (Apr. 2010).

¹³²⁰ The recent Final Budgets of 2010-2011 and 2011-2012 are available on the IVRPD website at *Board Business*, ISLA VISTA RECREATION & PARK DISTRICT (2011) <<http://www.ivparks.org/board/business.html>>.

¹³²¹ ANGELL, *supra* note 1026, at mins. 01:37:45 thru 01:38:05. This portion of the film is an interview with Derek Johnson at the IVRPD District Office.

TABLE 20. Isla Vista Recreation & Park District UAF Inventory

Overall			Land Area	Built Area
			332.35 acres	0.36 acres
			2,206,314 sq. ft.	15,596 sq. ft.
Urban-Arch Features				
	FIG. #	Data Notation	SQ. FT.	SQ. FT.
	169, 199-			
Anisq' Oyo Park	200, 210-211	1	115,434	8,015
Camino Corto Open Space	190, 207-208	2	826,769	0
Camino Pescadero Park	172-173, 202	3	21,780	22
	174-175,			
Children's Park	205, 214-215	4	32,234	910
Del Playa Open Space	206, 217	5	16,988	0
Del Playa Open Space (County)	206	6	184,694	
Del Sol Vernal Pool Reserve	208, 214	7	523,591	0
	176-177, 199-200,			
IVRPD District Office	210-211	8	10,890	1,327
	178-181, 204-205,			
Estero Park	212-214, 216	9	274,428	4,656
Gaffney Park	206, 217	10	22,216	0
Greek Park	182, 201	11	22,216	0
Kid's Trail Park	183, 507	12	12,632	0
	184, 199,			
Little Acorn Park	210	13	26,572	0
Pardall Gardens	185, 200-201	14	7,841	0
Pelican Park (County)	209	15	43,560	
	186, 199-			
People's Park	200, 210-211	16	22,651	0
	187-188, 199-200,			
Perfect Park	210-211	17	48,352	196
Rottapel Park	206	18	6,970	0
Sea Outlook Park (County)	206, 217	19	56,192	
	189, 203-			
Sueno Orchard	204, 212	20	37,897	0
Sueno Park	190, 203	21	17,424	0
Tierra de Fortuna Park	191, 207	22	108,900	489
Tipi Village	192, 212	23	20,909	0
	193, 203,			
Trigo-Pasado Park	216	24	14,810	72
Window-to-the-Sea	194, 202	25	14,810	0

TABLE 21. Isla Vista Recreation & Park District Amenity Valuation

[illegible]

TABLE 22. Isla Vista Recreation & Park District Amenity Purpose: "Individual Right" or "Common Good"

ALL AMENITIES	RIGHT TO PROFIT (individual rights empowerment)	COMMON GOOD (needs of the community)	BOTH (Combination of "Right to Profit" "Common Good")
Agricultural/Public Gardens, Amphitheatre, Basketball Court, Bathrooms, Beach Access, Beach View, Benches or Swing, Bike Racks, Bus Stop, Coastal Protection, Community Message Board, Disc Golf Course, Disc Golf Putting Course, Dog Waste Bag Dispenser, Equipment Storage, Gazebo, Greenhouses, Historic Property, Office Space, Old Growth Oak Orchard, Open composting, Open Space, Parking, Peace Monument, Pedestrian Cut-thru/Path, Picnic Tables, Playground Equipment, Refitting of Gas Station, Rock Wall, Shower, Skate Park, Species Habitat (Vernal Pools), Take It/Leave It Communal Sharing Depo, Trash Services, Volleyball Court, Water Fountains, Water Reservoir (Ponds), Windmill, Worm compost boxes, YMCA Teen Center, Zipcar/Carshare Only Parking & Services	Agricultural/Public Gardens Personal access to collective gardening beds for self-expressive environmental practices	Bathrooms Providing public bathrooms for users of the parks and visitors that do not have access to facilities in largely residential community	Bike Racks Decrease collective traffic and provides facilities for individual use of bikes
	Basketball Court Personal access to organize and play group sports	Amphitheater Public facility used for live music, communal events and open public meetings that require a large venue.	Dog Waste Bag Dispenser Decrease waste in parks and empowers use of parks for individual dog ownership
	Beach Access Personal access to adjacent beach	Bus Stop Public transportation device meant to diminish use of personal vehicles and decrease common traffic nuisance	Open composting Decreases common trash output of Isla Vista and allows individuals to self-express environmental practices
	Beach View Personal access to unique beach views	Coastal Protection Preservation of sensitive properties along Pacific Coast as a common good	Refitting of Gas Station Decreases exposure of community to hazardous wastes and reuses facility for park uses
	Benches or Swing Personal access to unique beach views	Community Message Board Common device to solicit and respond to advertisements left for community members	Take It/Leave It Communal Sharing Depo Common device to "gift" and receive goods within the community.
	Disc Golf Course Personal access to organize and play group sports	Equipment Storage Locally stored park maintenance equipment for staff use	Trash Services Allowing individual use of parks that create trash while also keeping the park clean for the common good.
	Disc Golf Putting Green Personal facility for individual's practice at disc golf	Historic Property Preservation of historically significant property to the benefit of the community	Worm compost boxes Decreases common trash output of Isla Vista and allows individuals to self-express environmental practices
	Gazebo Personal access to passive recreation shading facility	Office Space Facilities supporting the buaeacratc necessities for providing public park and recreational services.	Zipcar/Carshare Only Parking & Services Allowing individual use of personal automobiles, but with sharing, also diminishes traffic experienced in overall community
	Greenhouses Personal access to collective horticultural facility	Old Growth Oak Orchard Preservation of historically significant orchard to the benefit of the community	
	Parking Facilities enabling use of personal automobile	Open Space Reservation of open space within the over-built community so as to avoid further overcrowding	
	Pedestrian Cut-thru/Path Personal access to diminished distance to destination	Peace Monument Monument to historic movement found significant to community	
	Picnic Tables Personal access to eating facilities	Species Habitat (Vernal Pools) Development of small land trust to both avoid development of species habitat and to maintain the property to the benefit of the species	
	Playground Equipment Personal access to children's facilities	Water Reservoir (Ponds) Catchment of water from watershed both for utilization and for an improved communal aesthetic impact	
	Rock Wall Personal access to unique outdoor rock wall	Windmill Movement of water in watershed both for utilization (when working) and for an improved communal aesthetic impact	
	Shower Personal access to showering facilities after beach use	YMCA Teen Center Physical facility used to continue Isla Vista Youth Project for afterschool activities and other community needs.	
Skate Park Personal access to skate facilities Volleyball Court Personal access to organize and play group sports Water Fountains Personal access to potable water refreshment			

The Recreation & Park District has acquired nearly 51 acres of parks and open space in Isla Vista since 1972, with 15,600 square feet of built structures including an amphitheatre, a greenhouse, the historic Red Barn, the YMCA Teen Center, the District Headquarters, a gazebo, a windmill, and bathrooms. In all, the IVRPD provides 41 identifiable amenities based on their relative need and convenience in the community (*See* **TABLE 21** and **22**).¹³²² On the weekend of October 22-24, 2010, a survey of the IVRPD properties was undertaken a week prior to the Halloween/Dia de los Muertos Festival held in Anisq' Oyo' Park on the anniversary of the District's elective formation. Isla Vista is an unincorporated community nine miles west from the City of Santa Barbara, resting on a prominent coastal bluff in the County of Santa Barbara, California. To reiterate, the IVRPD is the only locally representative governmental body that specifically represents Isla Vista, and the special district's physical envelope is surrounded on three sides by UCSB with the south side framed by the Pacific Ocean. As a whole, the Isla Vista Recreation & Park District is made up of 22 elements of the built environment:¹³²³

D.4.1.2.1. Anisq' Oyo Park (Notation #1)

Categorized as four different resources bundled together, this park represents the originating purpose of the IVRPD and includes 'Hydrology & Water,' 'Public Services,' 'Recreation,' and 'Utilities & Service Systems' resources. Located at 950 Embarcadero del Mar, work began on the park on September 21, 1975, and was completed for an opening and renaming ceremony on October 15, 1977, nearly five years after the citizens of Isla Vista set out to build their flagship downtown park. Anisq' Oyo' is composed of three parcels that were purchased by different parties on behalf of the District due to worries IVRPD would not outlive its first park project. The park includes a concert-sized amphitheater, playground equipment, public bathrooms, two

¹³²² During my survey of the parks and open spaces of the IVRPD, I identified 41 independent amenities. Further, I weighted each amenity on a scale from 1 to 5 based on its value and difficulty to provide by the Park District. By identifying, counting and scaling the amenities provided, a relative "value" can be given to each park based on the services it provides the community. Here are the amenities and their amenity numerical value in parenthesis, outlined in alphabetical order: Agricultural/Public Gardens (3), Amphitheatre (5), Basketball Court (3), Bathrooms (4), Beach Access (5), Beach View (4), Benches or Swing (1), Bike Racks (1), Bus Stop (2), Coastal Protection (1), Community Message Board (3), Disc Golf Course (5), Disc Golf Putting Green (3), Dog Waste Bag Dispenser (1), Equipment Storage (3), Gazebo (4), Greenhouses (5), Historic Property (5), Office Space (5), Old Growth Oak Orchard (4), Open composting (3), Open Space (1), Parking (2), Peace Monument (5), Pedestrian Cut-thru/Path (2), Picnic Tables (1), Playground Equipment (3), Refitting of Gas Station (4), Rock Wall (5), Shower (4), Skate Park (4), Species Habitat - Vernal Pools (3), Take It/Leave It Communal Sharing Depo (3), Trash Services (1), Volleyball Court (3), Water Fountains (1), Water Reservoir - Ponds (5), Windmill (5), Worm compost boxes (4), YMCA Teen Center (5), Zipcar/Carshare Only Parking & Services (3).

¹³²³ As it concerns the actual development of the parks in time, I have relied on three sources for accurate information as to when each parcel was purchased and developed. First, I have used the available resources from the Isla Vista Recreation & Park District as I have acquired them, most importantly e-mail correspondence with Katelynn Boettcher on Feb 9, 2011 (Correspondence from Katelynn Boettcher, *supra* note 1231). In addition, I have used Lodise's treatise (LODISE, *supra* note 1106) and other online testimonials as available. Finally, if no other sources were available, I have used the County of Santa Barbara's Assessor Parcel Map system online at <<http://www.sbcvote.com/assessor/AssessorParcelMap.aspx>>.

ponds, and an iconic windmill. On July 25, 1980, the park's property was combined and recorded with the County as under the ownership of the IVRPD (*See* **FIGURES 169-170, 199-200, 210-211**).

D.4.1.2.2. Camino Corto Open Space (Notation #2)

Categorized as a 'Land Use Planning' resource, the Camino Corto Open Space is located at the corner of the roadways of El Colegio and Camino Corto, bordering against the Isla Vista Elementary School. The Camino Corto Open Space was purchased and recorded on November 24, 1998, and represents 19 acres of open space, trails and a biological reserve on the north west corner of Isla Vista (*See* **FIGURES 190, 207-208**).¹³²⁴

D.4.1.2.3. Camino Pescadero Park (Notation #3)

Categorized as three different resources bundled together including 'Cultural,' 'Public Services,' and 'Recreation' resources, this park represents one of the major necessities outlined in the Trow Report in 1970: improved safe access to the beaches of Isla Vista. Less than two blocks away from "The Jack Johnson House" at 6605 Del Playa Drive, this park is very popular as a natural portal for the community providing showers, benches and a sign-board describing the aboriginal roots of the Chumash in Isla Vista. Recorded on November 6, 1979, this park of 21,780 square feet was one of a handful on the Del Playa meant to publicly open the community to the ocean and island views from the cliff (*See* **FIGURES 172-173 and 202**).

D.4.1.2.4. Children's Park (Notation #4)

Categorized as two resources bundling 'Recreation' and 'Utilities & Services,' the Neighborhood Children's Park was officially the first park of the IVRPD, purchased on July 18, 1975, and opening by the end of that very year at 810 Camino Del Sur. This park is a ¾ acre park, filled with children's equipment, a bathroom facility, and a comfortable gazebo (*See* **FIGURES 174-175, 205, 214-215**).

¹³²⁴ The IVRPD officially states that this open space is 20.5 acres.

D.4.1.2.5. Del Playa Open Space (Notation #5)

Categorized as two resources bundling ‘Biological’ and ‘Land-Use Planning’ resources, the Del Playa Open Space lies on the southwestern end of the Isla Vista community. This open space feature ties together the very original park of Isla Vista, the County’s Sea Lookout Park, with the IVRPD’s Gaffney Park and other County properties that have been reserved as open space to protect the sensitive cliffs and the vernal pools in the area. The IVRPD owns 0.4 acres of the Del Playa Open Space located at 6621 Del Playa Drive, acquired at some point after 1998 (See **FIGURES 206** and **217**).

D.4.1.2.6. Del Sol Vernal Pool Reserve (Notation #7)

Categorized as a ‘Biological’ resource, the Del Sol Vernal Pool Reserve was created by combining three parcels that were purchased on February 17, 1978 (2 parcels) and February 5, 1979. The reserve makes up an area of 12 acres on the east corner of El Colegio Road and Camino Corto, relatively located on the northwestern corner of Isla Vista at the address 6795 El Colegio Road. Serving as a biological reserve for vernal pools, native grasses and wetlands, the Park District has installed nature trails for bird watching and wetland awareness on the property (See **FIGURES 208** and **214**).

D.4.1.2.7. IVRPD District Office (Notation #8)

Categorized as a ‘Public Services’ resource, the District Office has been located at this location since the 1986-1987 fiscal year. After the 1970 riots, the existing gas station at this location (Danny’s Enco) closed and was leased by the Park District beginning in 1974. First utilized as a craft training facility, tool check-out, and sports equipment center, by 1977, the District was in a position to purchase the building. Securing ownership on January 19, 1979, this downtown location became a major asset in Isla Vista recycling. The District Office’s functions have been in multiple locations, but just prior to the 1986 move to downtown Isla Vista, the District held’s open meetings in the Pink House at Estero Park. Unfortunately, the facilities in this building were not large enough for public meetings, so most meetings had to be moved to the adjacent Red Barn. Further, by the mid-1980’s, services for the homeless and English as a Second Language (ESL) programs had taken over the Pink House as the craft services provided at the former Exxon station were declining in participation.

Today, the District Office is a handsome structure sitting at 961 Embarcadero Del Mar on the west side of the downtown business Loop. The District Office is only a few hundred feet from the current location of the Isla Vista Food Co-op, another institution that has survived in Isla Vista since the counter-culture revolution of the late 1960's and early 1970's. The District Office's site is on a ¼ acre of land, featuring a 1,300 square foot building for the District's business needs. The building also feature bathrooms, recycling facilities, a large community message board, equipment storage, and a free Take It/Leave It deposit facility (*See FIGURES 176-177, 199-200, 210-211*).

D.4.1.2.8. Estero Park (Notation #9)

Categorized as five different resources bundled together, this park represents the ideological heart of the IVRPD and includes 'Agricultural,' 'Cultural,' 'Public Services,' 'Recreation,' and 'Utilities & Service Systems' resources. Located at 889 Camino Del Sur, Estero Park is a 6 acre property that has been cobbled together from seven different parcels acquired over roughly three years. The first parcel was purchased on December 1, 1977, and the final parcel was purchased on April 10, 1980. Estero Park has been at focal point for many of Isla Vista's "alternative" community expressions, including the Tipi Village, the LIVE (Let Isla Vista Eat) project for the homeless, and the Farm Project. Today, the remnants of these projects and many more not listed here exist on this linear park property.

Estero today hosts a massive series of organic agricultural plots left from the time the Tipi Village grew all their own food in the late 1970's. Also, it has basketball courts, a skate park, a disc golf course, and Isla Vista's only historic property. Representing pre-development in Isla Vista, the historic Red Barn is surrounded by the original oak orchard from a time when the area was simply used for agricultural production. In 1998, the Pink House that once stood on the park was demolished and replaced with the now bustling YMCA Teen Center (*See FIGURES 178-181, 204-205, 212-214 and 216*).

D.4.1.2.9. Gaffney Park (Notation #10)

Categorized as a 'Land-Use Planning' resource, Gaffney Park is the only IVRPD property named after an individual, violating a general policy of avoiding namesake parks in Isla Vista. The park is named after Laverne "Red" Gaffney, one of the original 1972 board directors who represented the resident homeowners and long supported the organization in its infancy. Gaffney Park was purchased on September 29, 1978, contributing an additional ½ acre to the open space

reservation flanking the west side of the Sea Lookout Park at 6805 Del Playa Drive (*See* **FIGURES 206** and **217**).

D.4.1.2.10. Greek Park (Notation #11)

Categorized simply as a ‘Recreation’ resource, Greek Park is a 1/2 acre park located at 820 Embarcadero Del Norte, a location central to a number of Isla Vista fraternity and sorority houses. Greek Park was purchased on February 10, 1978, but reports of a park-based “adverse possession” of this open lot for volleyball and sun tanning was identified as early as 1970 in the Trow Report. The Greek Park has been the focus of planned improvements since it was popular with the homeless in the 1980s. As of the 2010 survey, Greek Park offers both volleyball and basketball courts for local residents (*See* **FIGURES 182** and **201**).

D.4.1.2.11. Kid's Trail Park (Notation #12)

Categorized as a ‘Recreation’ resource, Kid’s Trail Park is a 1/3 acre park located at 6998 Pasado Road, representing the first developed park specific to the needs of the R-1 homeowners’ neighborhood of Isla Vista. Purchased on July 26, 1994, this park is dominated by power-transmission line easements, eucalyptus trees and an abundance of native landscaping. Literally provided as a walking trail on the west edge of the existing suburban block, this park is topped with an in-street basketball court (*See* **FIGURES 183** and **207**).

D.4.1.2.12. Little Acorn Park (Notation #13)

Categorized as a ‘Recreation’ resource, Little Acorn Park has had a rich history in Isla Vista playing a critical role in the riots, the counter-culture experiment in urban “producerism,” and now, as a green focal point for passive recreation. Purchased from a local teacher Nora Belle Curran on May 10, 1978, the Little Acorn Park had been used since the late 1960s as a grassroots garden plot, a meeting place for activists, a squatting leather-tanner’s shack, and as a burgeoning nursery. Located at 6500 Sabado Tarde Road, for decades the park had an unusual lathehouse which was important for the nursery’s operations in the 1970’s.

Unfortunately, this iconic part of Isla Vista’s urban history became an attractive nuisance for the growing homeless population of the 1980’s as the dilapidated wood structure provided cover for overnight camping. Today, only a shed is left of the unique lathehouse, overgrown with greenery except for two doors that are necessary to reach stored park equipment. The small structure also

provides limited shade for a single park bench. In recent years a new memorial was installed to commemorate a recent tragedy that killed four residents in an automobile collision (See **FIGURES 184, 199** and **210**).

D.4.1.2.13. Pardall Gardens (Notation #14)

Categorized as two resources bundling ‘Recreation’ and ‘Transportation & Traffic’ resources, Pardall Gardens was an early IVRPD purchase that was historically defined by its commercial neighbors. Recorded on December 12, 1977, this park was recently improved to reflect a contemporary park design and so as to offer Zip Car car-sharing resources for Isla Vistans. Although it only provides 7,840 square feet of open space, as the park is located at 6514 Pardall Road, the resource is highly visible for the IVRPD as it is adjacent to the primary bicycle and pedestrian corridor into UCSB (See **FIGURES 185** and **200-201**).

D.4.1.2.14. People's Park (Notation #16)

Categorized as a ‘Recreation’ resource, People’s Park is located at 967 Embarcadero Del Norte and provides 1/2 acre of open recreational space at the heart of downtown Isla Vista. During the bitter Perfect Park controversy from 1990 until 1993, the SAC congregation asserted that today’s People’s Park was actually the heart of the original 1970 version of Perfect Park. Regardless, this park was purchased on November 28, 1977, and considering its relative age, has not enjoyed a great deal of improvement. As of the time of the park survey, this centrally-located space has on it a single disc golf putting green and a series of composting worm bins (See **FIGURES 186, 199-200** and **210-211**).

D.4.1.2.15. Perfect Park (Notation #17)

Categorized as three different resources bundled together, this park represents the counter-cultural ground zero for Isla Vista’s short history. Providing ‘Cultural,’ ‘Recreation’ and ‘Transportation & Traffic’ resources, the location of the Perfect Park was predestined since 1926, a planimetric position of monumental significance. From 1926 until 1969, the site of Perfect Park simply stood as an empty, undeveloped dirt lot sitting in the cup of Isla Vista’s business district Loop. Officially located at 977 Embarcadero Del Norte, this site was significant in that it was the first formal park installed in June of 1969 by an early inter-interest organization called JIVE - Joint Isla Vista Effort. In 1970, this constructive expression of community was overtaken by agents of confrontation as riots, police authorities and violent mobs attacked Isla Vista’s built

environment after congregating and meeting in Perfect Park. Fortunately, the string of violent communal intersection ended as well at Perfect Park when a massive sit-it was orchestrated on June 10, 1970. In spite of the inter-interest efforts, the riots and the successful sit-in, no agent of the County, UCSB or the IVRPD purchased the Perfect Park site after its initial improvements, even though residents continued to use the location as a park even though it was privately owned and controlled by March 1971.¹³²⁵

The circumstances of ownership became a major political debacle in the late 1980's as the SAC purchased the Perfect Park site and wished to greatly expand their physical presence in Isla Vista by developing the entire property. As early as 1970, the Trow Report had warned community members that such a political storm was inevitable, first by outlining that "Perfect park has become the focal point of community activities, and Isla Vista's student residents think of it as their park;" then proceeding by noting "there is a generally unrecognized danger of loss of the park, since the license agreement between the owner and the University can be terminated on thirty days' notice."¹³²⁶

Once the plans of the SAC were approved in their first phase, a "Committee to Save Perfect Park" was formed and politically forced the IVRPD to pay a massive premium on the park site, coercing the sellers with the threat of condemnation. The park property was purchased with a sizable bond specifically elected for the purpose on November 11, 1992. Today, Perfect Park has been strictly reserved for passive recreation and features many native tree and vegetative species. Also, this park has a sizable parking lot that has been leased back to the SAC for \$1 per month so as to accommodate their practicing congregation (*See* **FIGURES 187-188, 199-200 and 210-211**).

D.4.1.2.16. Rottapel Park (Notation #18)

Categorized as a 'Land-Use Planning' resource, Rottapel Park is the smallest of the IVRPD properties at 0.16 acre. Directly adjacent to the County's holdings in the Del Playa Open Space, this "park" is simply a sliver of open space overlooking the ocean at 6751 Del Playa Drive. Indicative of the peculiar lot sizes still in existence from the original plot of the neighborhood in 1926, the Rottapel Park parcel is 25 feet wide and 238 feet long. Again, due to the late 1920s vision of a beach house on the cliff and oil derrick's in the back yard, these excessively slender parcels were planned to maximize profit in a greater scheme of speculative housing *and* oil

¹³²⁵ ZIEGLER-McPHERSON, *supra* note 124, at 88.

¹³²⁶ *Id.* at 109.

property development. Since the real speculative market came with the student housing boom in the 1960's, this park has for neighbors a string of shotgun tenements each approximately 20 feet wide and up to 120 feet long. Rottapel Park was purchased by Park District on December 30, 1977, and remains largely unimproved (*See* **FIGURE 206**).

D.4.1.2.17. Sueno Orchard (Notation #20)

Categorized as a bundling of 'Agricultural' and 'Recreation' resources, Sueno Orchard is located at 6723 Sueno Road and appears at first glance to be undeveloped. With closer observation, the rather large 0.9 acre lot has a small fruit tree orchard, a mess of purposefully landscaped native vegetation, and the first two holes of the meandering IVRPD disc golf course. During my hour-long survey of the park, both active recreational opportunities were undertaken here.

Immediately upon arriving, a local resident exited her back door in her house slippers and picked fruit from the orchard for an immediate lunch consumption. A few minutes later, a small gang of disc golfers made their way to the hole and worked through the park before moving on to the next hole. Sueno Orchard, although not the site of the Tipi Village, was associated with the IVRPD's attempt to save the adjacent Tipi Village and was purchased in January 5, 1978 (*See* **FIGURES 189, 203-204 and 212**).

D.4.1.2.18. Sueno Park (Notation #21)

Categorized as a 'Recreation' resource, Sueno Park is a 0.4 acre park located at 6650 Sueno Road. Existing in the midst of dense residential living, this park provides additional open space for ball sports and includes children's play equipment. Serving in concept as an extended backyard for the local housing units, the Sueno Park was purchased on October 27, 1977, has a healthy stand of fresh green grass and brand-new equipment for resident use (*See* **FIGURES 190 and 203**).

D.4.1.2.19. Tierra de Fortuna Park (Notation #22)

Categorized as a bundling of 'Cultural' and 'Recreation' resources, the Tierra de Fortuna Park is strategically located to provide active recreation for the children of the R-1 homeowner's neighborhood on the west end of Isla Vista. Located at 6692 Fortuna Road, the park was purchased along with the massive Camino Corto Open Space acquisition on November 24, 1998. This handsome park provides 2 1/2 acres of trails, a gazebo, extensive playground equipment and

sign-boards describing the civilization activities of the Chumash Native Americans that inhabited the area in history (See **FIGURES 191** and **207**).

D.4.1.2.20. Tipi Village (Notation # 23)

Categorized as a 'Recreation' resource, the Tipi Village was at the heart of a major IVRPD political battle at the end of the 1970's as the counter-cultural movement was waning in Isla Vista. Once the site of a working commune created from shacks, tents and tipis, today's Tipi Village is simply a 1/2 acre open, undeveloped lot dotted with Cyprus trees. During the 1970s, the residents of the Tipi Village were a major source of volunteer activities for the IVRPD, developing and keeping many of the parks in a healthy and productive condition. Due to police actions undertaken by the County of Santa Barbara and the Isla Vista Sanitation District, the Tipi Village was closed in the Fall of 1979.

Prior to closing, the Tipi Village was at the heart of an alternative living network of urban organic farming operations, a food co-op, and other back-to-the-land initiatives directed at realigning the institutional foundations of the dominant capitalist culture. Located at 6634 Sueno Road, at their height the commune members operated the early iterations of Sueno Orchard across the Sueno Road in addition to developing an impressive number of organic farming plots that still run through the adjacent Estero Park. On June 12, 1979, the IVRPD purchased the Tipi Village parcel as a measure to save the community, finding instead that they would have to evict the commune only months after securing the property (See **FIGURES 192** and **212**).

D.4.1.2.21. Trigo-Pasado Park (Notation #24)

Categorized as a 'Recreation' resource, Trigo-Pasado Park is a 1/3 acre property located at 6633 Pasado Road, running the full span of an unusually skinny block. Purchased on March 17, 1978, this park acts as an extended backyard for local residents. In fact, most of the adjacent apartment units spill out directly into the park without any demarcating fence or other barriers. This park is unique in that it affords residents a substantial rock wall for outdoor climbing, a structure that is surrounded by a well-maintained grass lawn usually inhabited by studying sunbathers (See **FIGURES 193, 203** and **216**).

D.4.1.2.22. Window-to-the-Sea (Notation #25)

Categorized as a ‘Recreation’ resource, the Window-to-the-Sea Park is a 1/3 acre property located at 6691 Del Playa Drive. Purchased on May 17, 1978, this IVRPD property was historically one of the first opened for resident recreation. More importantly, the park is extremely pleasant with a large swing overlooking ocean and island views from the Isla Vista cliff. Landscaped with native and beautiful vegetation, this park exhibits the very best in park execution for the IVRPD (*See FIGURES 194 and 202*).

D.4.1.3. IVRPD as Urban-Architectural Form

The IVRPD, in its capacity as a special district has carried forward the historically dramatic relationship Isla Vista has with the natural environment. Giving agency to practically achieve an “ethic for nature’s rights” only rhetorically examined by Huxley in 1959,¹³²⁷ the IVRPD has allowed both the transient and permanent citizens of Isla Vista to do *just enough* so as to liberally enjoy the coastal youth paradise without exploitive guilt. The Park District is an accomplice in each Isla Vistan’s pursuit of maximum freedom,¹³²⁸ the single common attribute to all residents, property owners and landowners of the unincorporated community. Expressing this low-cost yet activist community model, Ziegler-McPherson explains that:

Only the Park District, with its unique status as a governmental agency and its commitment to the environmental movement and the counterculture, would be able to be the vehicle for Isla Vistans’ vision of an alternative community. ... The vision some held for the IVRPD was that it would be a different kind of park district. Reflecting the values of the counter-culture, it would have no hierarchy, no bureaucracy, use no pesticides, and rely on the altruism of the community in the form of donated labor and materials. From the perspective of some homeowners, this new kind of park district would be wonderfully cheap; taxes would be low because there would be few salaries to pay and everyone in the community, taxpayers and non-property owners alike, would volunteer their time and labor. For believers in the new values of the 1960s and 1970s, the IVRPD would be an example of how the alternative could be made real and actually work. Isla Vista would be an alternative island in the middle of an acquisitive, aggressive, profit-minded society, an alternative city on a hill.¹³²⁹

Although far from the “liberated zone” envisioned for Isla Vista by Tom Hayden’s July 1970 *Ramparts* magazine, the agency capacity of the IVRPD provided the territorial identity Hayden found necessary to express a place-based “consciousness of those within.” As many of the

¹³²⁷ Palladino, *supra* note 1088.

¹³²⁸ STRAND, *supra* note 1099, at 255.

¹³²⁹ ZIEGLER-McPHERSON, *supra* note 124, at 27 - 28.

counter-cultural revolutionary sentiments were literally copied from other activist communities, at least since the 1969 Union Oil spill, this community's environmental sentiment is indigenous.

Reflecting this native concern for environmental stewardship, the IVRPD was conceived on the UCSB campus by an Isla Vista resident. After plans were developed, this proposed special district was supported, even promoted by County Supervisors as a compromise between residents, the university and landowners. After passage, the District has furthered the twin mission of "building an alternative institution and buying land to preserve open space."¹³³⁰ Unbeknownst to the early leadership of the IVRPD, the alternative basis of their institution did not reflect the revolutionary rhetoric framed in the decade from 1965 until 1975, but rather, a much grander a-centered and inter-interest balance of desire without a normative mechanism of communal enforcement.

Here, the IVRPD institutionalizes a concept that only the very minimum of local authority is acceptable in the Isla Vista community. If and when property owners have crossed a collectively acceptable threshold of real-property monetization, residents employ the limited political power afforded in the IVRPD to enunciate their concerns with social programs, property purchases, and generally in the politicization of the physical spaces created by the special district. Important in the legitimacy of the IVRPD, the special district is not solely a mechanism of the renting residents of Isla Vista. At that point whereby the renting population has over-stepped the landowner's threshold of acceptable communal activism, as was the case in 1992, the landowners have a democratic opportunity to express their concerns, rein in such activities and rationalize the organization so as to better afford recreation and park activities for the whole community.

Although the community now has a common identity and limited measure of local autonomy with the IVRPD, it is by no means a product of popular unity. Isla Vista exists and celebrates its sidelined, largely a-franchised status. The IVRPD provides the physical and political mechanism to maintain this a-franchised status in perpetuity. For instance, most of the time the amphitheatre at Anisq' Oyo' Park is simply a lawn for resting, or a stage for live music performances. But, when necessary it becomes an outdoor political venue for examining local inter-interest conflict. Likewise, the District Headquarters is primarily an administrative office for the enhancement of the physical environment of Isla Vista. But, when necessary, the District Office becomes the heated center of unacceptable landowner or resident activities in this beach-side hamlet. Rather than employ a city staff full-time, the people of Isla Vista have chosen to

¹³³⁰ *Id.* at 45.

primarily rely on self-governance, activating the IVRPD's power as a limited political agency for those civic emergencies that require an *ad hoc* solution to re-establish communal balance. Good examples of this process were exhibited with both the Tipi Village and the Perfect Park parcel acquisitions and recreational improvements.

As it concerns Tipi Village, the greater county and landowner interests would no longer politically allow a commune in Isla Vista. With Perfect Park, the will of resident-activists to acknowledge the heritage and importance of the site in the monumental cup of the Isla Vista loop proved greater than the resistance of the landowner interests, who hoped rather to literally bury the site under a church parking lot. Here, in each episode of communal redefinition the IVRPD suffered a burden of political and financial difficulty, but in doing so, the agency provided an alternative manner to internally redefine the most political aspects of their young community.

Important here is not so much the balance found between the multitude of interests impacting Isla Vista, but that the IVRPD was created to directly counter-modernize against the nuisances created by a rapid over-vehicularization of the student residential enclave. Relatively extreme density, an intensity of residential compaction absent appropriate urban services, and *de minimis* development oversight all fueled the direct resident revolt against the property owners' dominance in Isla Vista in 1970. In less than two years, the IVRPD was ushered in so as to reflexively provide the open space, basic services and collectively empower the residents against a completely inequitable monetization of the whole community.

D.4.1.4. Collective Expression of the Built Environment

The IVRPD is unique in its direct democratic validation of urban collectivity. On Halloween 1972, the District was formed in election by the residents and property owners of the unincorporated community, heretofore a community that had no defining jurisdictional boundary. Over the forty years of service, board iterations have provided opportunities for the "collective will" to deteriorate to such an extent that the District could face dissolution. Instead, in spite of ugly politics, the IVRPD has only continued to distance Isla Vista further from city incorporation, reflecting the community's transitory values without overtly framing them in a self-referential paradigmatic logic.

Interesting here is that the collective body directly expressed their desire for a specific type of improved built environment. As the District generally moved forward with property purchasing activities as per its mission to preserve open space in Isla Vista, there were select incidences

when the Isla Vista body-politic directly authorized the purchase of particular parcels. The most direct of which occurred in June of 1991, when the majority of Isla Vista residents and landowners voted in favor of the condemnation, purchase and redevelopment of the Perfect Park.

In 1973, the IVCC submitted their first complete application to the LAFCO and the County Supervisors arguing that Isla Vista should be afforded a local election as to the incorporated status of the community. After a governmental study on the subject, the authors of the application submitted the following self-drawn definition of community:

A group of persons living in a common geographical area sharing its common resources who recognize and practice observance of the needs and rights of the individual and the group. The most viable community is the one where the individual is allowed maximum freedom and flexibility in the governance and expression of his day to day needs and activities while recognizing that to insure others the same rights and privileges the residents must be prepared to willingly sacrifice some of his own freedoms.¹³³¹

Beyond simply the length of this definition of community, this iteration contrasts with typical dictionary definitions in its emphasis on maintaining the utmost in individual rights. Here are the Webster's and Black's Law definitions of community, respectively:

community, n. 1. a) all the people living in a particular district, city, etc. **b)** the district, city, etc. where they live **2.** a group of people living together as a smaller social unit within a larger one, and having interests, work, etc. where they live [a college *community*] ... **5.** ownership or participation in common [*community* of goods] ...¹³³²

community. 1. A neighborhood, vicinity, or locality. **2.** A society or group of people with similar rights or interests. **3.** A collection of common interests that arise from an association.¹³³³

Here, the Isla Vista incorporation proponents focused on a substantive characteristic of their own community and the local emphasis on avoiding any unnecessary personal limitation. At LAFCO meetings through the first half of 1974, the same cityhood proponents argued that the existing system was inadequate at protecting Isla Vista's "biophysical uniqueness."¹³³⁴ The LAFCO commissioners positively acknowledged the enthusiasm of the proponents, but nonetheless, judged that cityhood was not necessary for Isla Vista.¹³³⁵ This judgment, although

¹³³¹ STRAND, *supra* note 1099, at 241 - 242.

¹³³² WEBSTER'S NEW WORLD DICTIONARY, *supra* note 165, at 282.

¹³³³ BLACK'S LAW DICTIONARY, *supra* note 159, at 273.

¹³³⁴ STRAND, *supra* note 1099, at 243 and 249 (note 53).

¹³³⁵ *Id.* at 243 and 249 (note 54).

disconcerting for those who had hoped to push a politically empowered counter-culture agenda further, with hindsight has proven to be true.

Maximum freedom, strict limitation of individual sacrifice, special attention to the biophysical uniqueness of Isla Vista: these characteristics align closely with the limited powers afforded the IVRPD. More importantly, these characteristics align closely with the have over time defined the role of the special district to accurately address the nuisances expressed in the natural and built environment, providing a body of common park properties held as an equitable urban trust for those who are only residents of Isla Vista for the temporal length of their current lease.

D.4.1.5. Singular Linguistic Form in Reterritorialization

Unique to the urban-architectural form is its emphasis on a 'singularity' in linguistic expression. This unique attribute is a functional one, as each urban-architectural form is executed in furtherance of specific goals by a clear communal actor in reaction to a perceived nuisance suffered by that actor. A singular linguistic form is thereby a product of the selected path to counteract such a nuisance, either by reverting to a pre-development condition (vernacular), to develop under contemporary rationality (vehicular), to redevelop in such a way that references culture or the senses (referential), or finally, to redevelop so as to attempt a link between the place and communal spirituality (mythic).

In the manner that the IVRPD has employed its powers to preserve open space and promote an alternative basis of community, the District has employed 98% of the landed resources in direct response to the over-vehicularization of Isla Vista's physical environment. Due to the politics of the Perfect Park site acquisition, the District actually owns and manages a contributing factor in the over-paved nature of Isla Vista: the 63-stall parking lot leased to the SAC. This parking lot (18,800 square feet) signifies 1% of the total IVRPD landed contribution in Isla Vista. Even less of the area of the land owned by the IVRPD is actually covered with buildings of any sort, contributing only 15,596 square feet of usable space. The vast majority of the land holdings of the IVRPD have been left open, used by the residents for both passive and active recreation. Further, much of this land appears to have been left largely as it was found upon purchase, undeveloped and undefined.

This appearance goes beyond simply a reflection of the performance of the maintenance crews of the IVRPD. Unless otherwise designated for a specific purpose, most of the parks are left in a natural state as a communal resource. Since the building boom of the 1960s occurred in Isla

Vista, all parties including the property owners who installed the constructed space have roundly vilified the nature of the urban environment as substandard. “Isla Vista was constructed for the purpose of housing a population that was not fully empowered, or accepted by an elite that derived significant profit from that development.”¹³³⁶ In reaction to Isla Vista’s pre-1970 urban environment, the community endeavored to counter-modernize with the linguistics of a pre-modern source, an internally driven language of inherently non-exploitive development. In 1970, according to activist-residents, “Perfect Park was the only indigenous architecture.”¹³³⁷

Unlike the proposition to incorporate Isla Vista, the Parks District in Isla Vista already had a fruitful precedent in constructively aligning inter-interest coordination before official political formation. In 1969, the Joint Isla Vista Effort (JIVE) was composed of university, developer, resident, county and business representatives all unified in the construction of the first month-to-month park downtown, Perfect Park. This park, although the scene of mounting riots in 1970, housed the eventual inter-interest peaceful sit-in on June 10th that ended Isla Vista’s police violence and unified the community for the first time since inception. In an overcrowded community without the political services usually provided by city hall, “Perfect Park was a town hall without a building.”¹³³⁸

Immediately after installation, the new park was more than a physical place that residents could use as their own, the Perfect Park was placed adjacent to the “large square box it shared the loop with – the Bank of America” so as to ideologically oppose its externally sourced vehicular profiteering motive.¹³³⁹ Beyond simply a symbolic polarity, after the February 1970 riot:

In Isla Vista the evocative republican phrase “we the people” began showing up after the bank burned. Both the Ad Hoc Committees and *El Gaucho* found ways to use it, for example. Consciously or not, using it was an attempt to infuse Isla Vista’s experience with mythology from the American past, to insinuate a connection with the American revolution, almost as if burning the bank had reduced Isla Vista to its own state of nature in which it’s sturdy, bootstrap – or perhaps sandalstrap – republicans resolutely built their future.¹³⁴⁰

The Perfect Park, from its beginning as an inter-interest installation to its successful performance as a “place” for constructive change, embedded in Isla Vistans a collective precedence of native community-building. As the political strain of ecological, non-violent

¹³³⁶ Judd, *supra* note 1085, at 122.

¹³³⁷ *Id.* at 123.

¹³³⁸ *Id.* at 6.

¹³³⁹ *Id.*

¹³⁴⁰ STRAND, *supra* note 1099, at 172.

progressivism had been growing in Isla Vista since at least 1967,¹³⁴¹ the Parks District emerged as a primary mechanism for resident Isla Vistans to enunciate and act on their collective desires. Further, the creation of a Park District allowed an acceptable manner according to controlling administrative interests for Isla Vista to create and bolster a locally autonomous identity without incorporation.¹³⁴²

This identity without incorporation relies on the spatio-temporal category of “here,” reflecting conditions on the ground per neighborhood to celebrate a rural pre-urban status of community. By employing a rural, vernacular linguistic form, all three major interests within Isla Vista benefit from avoiding the vehicularization of their communal identity. Specifically, residents enjoy greater liberty in the management of their collective resources, property owners avoid the normative bureaucratic controls of their industry, and homeowners minimize their tax burden as no city-governmental framework is necessary. As the IVRPD was born of a specific time in Isla Vista’s history, this *here*-focused urban language highlighted an already burgeoning back-to-the-land ecocentric form of activism, led for a little over a decade by Hugh Carroll.

Hugh Carroll, as a student in 1966 began to identify with the ecological, non-violent progressives, a group seen as “wimpy” by the more revolutionary brand of Isla Vista activist, but nonetheless respected and increasingly important as the prospects for city incorporation were increasingly diminished.¹³⁴³ After the oil spill, the riots and the package bomb left at the Faculty Club, Carroll and his wife started a community garden on a single commercial parcel in the Spring of 1970. Although small, Carroll and his fellow eco-activists began to reterritorialize the built environment of Isla Vista with a vernacular language.

This initial garden was a symbolic start for a grand plan to transform Isla Vista into a “closed circle.” Carroll endeavored to create a community that produced, consumed and disposed of its own food within its own boundaries. Furthering this movement, Carroll and his wife also opened a small business to supply transitional tools and resources, actively seeking associates who wished to consciously work backwards to “aboriginal innocence.” Although Carter Ray was the logistical promoter of the IVRPD, Carroll was a major ideological influence on the development of the IVRPD in its first decade of community action.¹³⁴⁴

¹³⁴¹ *Id.* at 47.

¹³⁴² Exhibiting a hunger for political dominance, the original application to LAFCO regarding a cityhood election included the landed area of the UCSB. Attempting to turn the tables on the University, the IVCC wished to create a city that controlled the university grounds rather than be controlled by University administration. This attempt at dominance was most likely a major reason the County and University denied their first application for cityhood election.

¹³⁴³ STRAND, *supra* note 1099, at 47.

¹³⁴⁴ *Id.* at 165.

Beginning in 1973, Carroll was hired as a partner with the IVRPD in a street tree planting program.¹³⁴⁵ In the next year, Carroll was hired as a consultant for the Camino Pascadero Mall enhancement plan.¹³⁴⁶ By 1979, Carroll was heavily relied upon in the great horse fiasco suffered in the IVRPD, first by advising the District how to purchase the horses, then managing them, and then ultimately buying them back from the District.¹³⁴⁷ In addition, Carroll was intimately involved with the operations of the IVRPD in his business dealings at the Little Acorn Nursery. From the time of its opening until the IVRPD purchased the nursery from Carroll's partner Ms. Nora Curran, the IVRPD purchased the majority of its landscape vegetation and materials from Carroll's operations and under his advisement.¹³⁴⁸

Beyond direct dealings with Carroll as a consultant and supplier of these products of "aboriginal innocence," the IVRPD inherited many of the back-to-the-land agrarian initiatives as they required political protection from the changing UCSB/Isla Vista community. First, the Farm Project moved from property on the UCSB campus to Estero Park, requiring funding and property for their continued agrarian production activities.¹³⁴⁹ In later years, as the Farm Project led to a commune at Tipi Village, the IVRPD was politically drawn into the land purchase, management and eventual dissolution of the residential side of this unique but short-lived mixed-use back-to-the-land operation. Just as the IVRPD had become the largest landowner in Isla Vista, these originating indigenous expressions of communal management have largely dissolved altogether. Even though the extensive organic farming plots still exist in Estero Park, the Tipi Village was shuttered by October of 1979,¹³⁵⁰ and Carroll is not mentioned again in the IVRPD's minutes after the final conveyance of the infamous horses in 1981.¹³⁵¹

Carroll's ideological foundation for Isla Vista appears today to be a permanent dimension of the community. Other than the IVRPD, the other significant organization that survived from the counter-cultural era (without annexation into the general programs of the IVRPD) is the Isla Vista Food Co-op.¹³⁵² As a testament to the eco-pacifists efforts, hypothetically all the elements

¹³⁴⁵ IVRPD Mtg. Mins., Motion 73-187 (1973).

¹³⁴⁶ IVRPD Mtg. Mins., Motion 74-132 (1974).

¹³⁴⁷ Purchase details are outlined in the IVRPD Mtg. Mins., Motion 790412-3 (Apr. 12, 1979). Later, difficulties in managing the horses are detailed in the IVRPD Mtg. Mins., Motion 790802-02 (Aug. 2, 1979). Carroll is then solicited to sell, and then himself is sold the horses in the IVRPD Mtg. Mins., Motion 790920-4 (Sep. 20, 1979); Motion 811015-5 (Oct. 15, 1981).

¹³⁴⁸ IVRPD Mtg. Mins., Motion 74-104 (1974). The nursery was approved for purchase in the IVRPD Mtg. Mins., Motion 78-125 (1978). See ZIEGLER-McPHERSON, *supra* note 124, at 105 for a description of the District's support of the nursery.

¹³⁴⁹ ZIEGLER-McPHERSON, *supra* note 124, at 48. See also IVRPD Mtg. Mins., Motions 78-121, 78-137, and 78-138 (May 18, 1978).

¹³⁵⁰ *Id.* at 73.

¹³⁵¹ IVRPD Mtg. Mins., Motion 811015-5 (Oct. 15, 1981).

¹³⁵² *Paper Writing*, ISLA VISTA FOOD CO-OP (2012) <<http://www.islavistafoodcoop.blogspot.com/p/paper-writing-and-media-inquiries.html>>.

of the “closed circle” still exist for Isla Vista including the land, the operable garden plots, communal open space for agricultural waste processing and a friendly local market for distribution.

Beyond the simple ideological foundation laid by Carroll and other early back-to-the-land influences on park management, there were serious practical influences on the District’s decision to undertake a vernacular linguistic method in developing their holdings of the urban environment. The most important of which were the strict limitations on both water and financial resources. Even prior to the water moratorium, the Isla Vista Water District (which later changed its name to Goleta Water District) was stingy with permitting and the installation of water meters for new uses in Isla Vista after the late 1960’s. In December of 1973, the water supply trickle turned completely dry as an all out water meter freeze was issued over Isla Vista due to a lack of regional water resources. This freeze continued until Measure “T” was passed in the spring of 1988, temporarily allowing water access and ending the local building drought.¹³⁵³

As the water meter freeze applied to the IVRPD, the District had great difficulty in securing the necessary water resources to develop their recently acquired park property. This water difficulty actually gave practical credence to the already established low-impact resource ideology, but did prove in the long run a major hurdle in improving the built environment. In Anisq’ Oyo’ Park, the twin central ponds in the park were developed specifically to provide an on-site source of water for landscaping. In the long run, the mechanism for actually distributing this water was never installed properly. In addition, gray water recycling and water importation were seriously considered in the difficult development of the flagship park in Isla Vista’s downtown.¹³⁵⁴ Upon finally receiving a meter and steady water supply after fifteen years of denial, the IVRPD literally threw a party at the downtown park, inviting the media along with past and present Goleta Water Board members.¹³⁵⁵

As those properties that were not developed prior to the 1973 moratorium would have to wait indefinitely to install any water services, the property values in Isla Vista dropped considerably. The IVRPD did not waste this opportunity and aggressively purchased as many of the undeveloped parcels as possible, especially those on the south side of Del Playa Drive.¹³⁵⁶ In coordination with the County of Santa Barbara, the agencies pursued the properties so as to open

¹³⁵³ ZIEGLER-McPHERSON, *supra* note 124, at 123. Building and water moratorium were continually issued and lifted generally from 1973 until 1992.

¹³⁵⁴ *Id.* at 97 - 98.

¹³⁵⁵ IVRPD Mtg. Mins., Motion 880519-4 (May 19, 1988), GM & AA consent items #4.

¹³⁵⁶ ZIEGLER-McPHERSON, *supra* note 124, at 125 - 127.

the community to the ocean and protect as much of the cliff as possible from further erosion. Acting more as a community land trust than an active parks department, most of these parcels were designated as “natural open space” as to this day continue as weed-filled open lots.¹³⁵⁷

Due to this 15 year purchasing campaign (1973 – 1988), the IVRPD was largely “cash poor” in terms of its own operating budget. At times frustrating the general manager, the District’s Board would further diminish their own agency’s operating funds by supporting the social programs including homeless shelter, soup kitchens, youth programs, and other programs that came and went over the years. As discussed earlier, this practice of stretching the District staff beyond their financial capacity was abandoned after the homeowners’ block won the majority of the District’s director positions in 1992.

The effectiveness of the IVRPD in executing a well-oiled park machine was irrelevant as the primary purpose of the District, especially from the 1970s until the early 1990s, was to provide open-space relief in reaction to the extreme development pressure suffered previously in the community. Regardless of whether the park had a water meter, was developed at all, or performed as a working urban farm for volunteers; important to the Isla Vista community was that the parcel would not contribute to the already over-crowded nature of the ½ mile square bluff. As many of the parks were simply left undeveloped, they became associated with the adjacent business uses or the nature of their neighborhood.¹³⁵⁸

The early back-to-the-land gestures led by Carroll gave way to a greater appreciation by the District of the indigenous cultural heritage of Isla Vista. This appreciation is reflected in a series of information boards outlining the Chumash Native American’s practices and the methods the IVRPD has implemented this pre-modern wisdom in their own contemporary methods of park management. Such boards are permanently affixed at the Camino Pescadero Park and the Camino Corto Open Space. Symbolically, the Neighborhood Children’s Park has a colorful mural of Native Americans undertaking sport on the exterior wall of the outbuilding. Also, the Anisq’ Oyo’ Park was named such as a reflection of the dignifier given the Isla Vista region by the Chumash tribe.

Symbolically, in ideology, and due to pragmatic necessity, the IVRPD endeavored to create a counter-modernizing urban-architectural form for the residents of Isla Vista employing the vernacular linguistic language. In reading Deleuze and Guattari’s KAFKA, one might assume that

¹³⁵⁷ *Id.* at 113.

¹³⁵⁸ *Id.* at 158 and 283.

once a community's built environment has suffered a vehicular reterritorialization, a vernacular linguistic push-back is impossible. As a bold refutation of that assumption, the IVRPD has built an UAF from the residual undeveloped parcels of Isla Vista in a communal effort to assert the residents' desire to natively source their local identity.

D.4.2. Remedy with the Minor Expression

After the riots of February 24th and 25th of 1970 that resulted in the burning of the Isla Vista branch of the Bank of America, the whole community of Isla Vista sought a collective method of youth expression without overtly impeding the interests of established powerholders. As the UCSB, the business community and the County of Santa Barbara funneled funds into the unincorporated community, a "galaxy" of organizations manifest from resident demands for locally sensitive policing, an autonomous collective identity, and an alleviation of the intensity of the building density constantly underserved by county agency. By the mid-1970's, a dyad existed between the IVCC and the IVRPD. By the mid-1980's, only the IVRPD sustained and as such, the District found an authoritative institutional role in the Isla Vista community. This role continues today, but over the past four decades the District has found a sustained democratic duty to provide 'More Than Just Parks' without overstepping the limited financial, political and social influence afforded by the County, Isla Vista landowners and the UCSB.

D.4.2.1. Employment of Rhizomatic Process of Urban Development

On January 29, 1969, a psychological threshold was crossed for the Isla Vista community as the resident's single most important (and only) recreational open space was destroyed by the Union Oil Drilling Platform Spill. Not only was the residential block closed off on the north, east and west edges by the UCSB, but the ocean itself was a soiled barrier to any individual release for the "at capacity" development.¹³⁵⁹ Just a few months earlier, the UCSB chapter of the Black Students Union successfully hijacked the North Hall, spurning a desire to literally *take* the changes demanded rather than pursue other non-violent forms of cultural change.

Obviously, not all activists wished to undertake a violent method to improve the living conditions of Isla Vista. As the oil spill marked a major transition in the increased motivation of the activist community to bring serious change by any available means, the burning of the Bank of America marked a second transition away from violent expression to more constructive, inter-interest

¹³⁵⁹ *Id.* at 9. The author details how the original zoning plan had been essentially maxed out by 1967, requiring a rezone to the current "S-R" so as to fit ever more residents in Isla Vista.

forms of activist community building. Strand identifies three categories of organized activists that had formed in 1968 – 1969, including the eco-pacifists, ideological progressives and institutional builders.¹³⁶⁰ After the February 1970 Bank of America riots, these groups reorganized again to address the practical concerns of the Isla Vista community. Ziegler-McPherson identifies these groups as the pro-cityhood group, an anti-cityhood group, and a pro-environmental group unconcerned with incorporation but highly committed to alternative community-building with organic gardening and urban agriculture.¹³⁶¹

In manifesting this tripartite differentiation of collective desire, essentially four tactics were realized by the greater Isla Vista community. Regardless of their end desire (cityhood, non-cityhood, eco-alternative community), the Isla Vista community did find solidarity in a betterment of the urban environment they owned (landlords), lived in (residents and homeowners), or relied upon for their own interest's improved status (UCSB and the County). In reflection of that collective desire, the three groups tactically explored violent protest, special interest group organization, special district formation, and city incorporation so as to improve the urban conditions of Isla Vista.

D.4.2.1.1. Tactic 1: Violent Protest

Along with a national movement, protests that started generally peacefully in 1962 against the Vietnam War, racism and the general conservative nature of American politics had turned increasingly violent by 1968, most symbolically at the Democratic Convention in Chicago. On the UCSB campus, the Black Students Union began a local wave of confrontational protest in October 1968. In the next two years protests grew increasingly destructive, eventually taking two lives, causing a significant magnitude of property damage, and leading to the arrest of hundreds in Isla Vista, UCSB and Santa Barbara.

As the violence increased, the approach taken by outside police units sent into Isla Vista by Governor Reagan to quash the unrest became increasingly draconian, employing punitive curfew controls and invasive “investigative” procedures for unmitigated control. Unfortunately, as the efforts to seize control over the protestors increased, the mob intensity to fight back reacted in kind. Demonstrations against the oil spill, against local exploitation of student renters, and against a nationwide exploitation of young men as soldiers gelled into a systemic prejudice

¹³⁶⁰ STRAND, *supra* note 1099, at 89.

¹³⁶¹ ZIEGLER-McPHERSON, *supra* note 124, at 59.

against the greater dominant culture, a prejudice that assumed Isla Vista was the ground zero battleground against an anti-youth mechanism of marginalization.

Regardless of the truth of this assumption, local activists increasingly joined up with violent protestors to create a “liberated zone” in Isla Vista, a place designed to elevate “a state of mind shared by thousands of young people.”¹³⁶² Three major riots occurred in Isla Vista in February, April and June of 1970; all such riots targeted the Bank of America as the greatest symbol of youth exploitation. In Isla Vista, activists believed the Bank of America profited not only from the rent profits garnered from residents, but as well on the lives of young soldiers as an international bank that underwrote the Vietnam War via the trade of government issued bonds. Further, as one mob-member stated, the Bank of America was (and still is) the largest commercial building in town.

Quickly after the February 25, 1970 riots, business leaders, the County and the UCSB began a process of self-reflection and promoted local Isla Vista efforts to support constructive methods of activism. The most important of these efforts was the organization and funding of the IVCC in May of 1970. In one month’s time, this organization was a major factor in the demise of violent protest as a tactic for youth expression.

After indictments were made public on June 3, 1970, against Isla Vista protestors, riots became a forgone conclusion as out-of-town police units antagonized local residents. By June 7, riots again targeted the Bank of America and a communal lock down was issued by the hundreds of officers in the community. Due to the efforts of the IVCC, UCSB faculty and the Bank of America’s local administration, a peaceful sit-in was performed on June 10th as a unified protest against police occupation. After the successful peaceful sit-in, the “violent protest” tactic was abandoned as newfound non-violent organizational tactics proved more promising to realize an improved urban environment.

D.4.2.1.2. Tactic 2: Special Interest Organization

Constructive activism via special interest organization did not begin simply with the IVCC in May of 1970. As Strand has reiterated in her history of Isla Vista, since inception this hamlet of Santa Barbara County has largely sided with bolstered individual freedom over any definitive group identity. The first recognizable special interest organization was the Isla Vista Improvement

¹³⁶² STRAND, *supra* note 1099, at 161.

Association, formed in 1948 and responsible for early high-density zoning of Isla Vista. This organization merged with the Isla Vista Homeowners Association to create a single body representing all landowners in 1967, simply known today as the Isla Vista Association.¹³⁶³ Originally, the IVIA was organized to create “the most beautiful community in the country,” but found instead they created an exceptionally lucrative one.¹³⁶⁴

After the IVIA abandoned their aesthetic mission, the quality of the built environment was largely based on the minimum standards provided by the County. Special interest groups in favor of improving the urban reality of Isla Vista came from the student-resident core, beginning with the Isla Vista League in 1965.¹³⁶⁵ Uniting with a will to mimic the Resident Advisor system used on-campus; the organization broke up the community based on building envelopes and urban blocks. By 1967, efforts were undertaken to plant trees, provide street-side trash services, and incrementally promote a greater role for Isla Vista in the UCSB’s academic purview.¹³⁶⁶ Unfortunately, with the increased violent and revolutionary organization in Isla Vista, the Isla Vista League lost its momentum as other organizations attracted more attention to their more dramatically goals.

In 1969, the first inter-interest special interest organization JIVE was formed to address many problems of the community, including the execution of a series of urban-environmental improvement projects. In the summer of 1969, JIVE installed the first and only “Welcome to Isla Vista” sign located on South Los Carneros Road just before it intersects with El Colegio Road, the primary vehicular route into the community (See **FIGURE 233**). More importantly, the inter-interest group installed the first park in the cup of the Isla Vista Loop.¹³⁶⁷ After the success of these efforts, a larger community center project was proposed but never realized before the 1970 riots took over the community.¹³⁶⁸

After the February 1970 riot, student-residents, UCSB personnel, County agents, and the interested business leaders from Isla Vista came together to encourage new constructive methods of activism with organizational representation. In April of 1970, the UCSB administration created the Commission on Isla Vista, employing academic experts from across the UC system to focus on the problems of Isla Vista. This Commission delivered the Trow Report in October of

¹³⁶³ *Guide to the Records of the Isla Vista Improvement Association*, UNIVERSITY OF CALIFORNIA, SANTA BARBARA (2009) <<http://www.oac.cdlib.org/findaid/ark:/13030/ft1z09n5tf/>>.

¹³⁶⁴ STRAND, *supra* note 1099, at 251.

¹³⁶⁵ *Id.* at 47.

¹³⁶⁶ *Id.* at 49.

¹³⁶⁷ *Id.* at 107.

¹³⁶⁸ *Id.* at 66.

that year, a document named after a prominent sociology professor from UC Berkeley, Martin A. Trow. This simple 100 page treatise outlined a roadmap to save Isla Vista from self-destruction, stating:

Without indigenous institutions, the community can continue to be torn apart. But if increasing numbers of Isla Vista residents can feel that they are able to improve their own environment, Isla Vista can become a distinguished university community. Because of the unique local environment of Isla Vista, the ingredients are present for a promising experiment in community development.¹³⁶⁹

One such indigenous institution was already in the works while the Trow Report was being written: the IVCC. Empowered by local election, the first elected IVCC body vigorously advocated for improved community conditions, representing the most unified period of Isla Vista's history. Once the June riots began, the IVCC was already established with enough experience to organize a disciplined peaceful protest representing all interests of the Isla Vista community.

With the June 10th victory over violence in Isla Vista, the IVCC produced a high quantity of reports, new special interest organizations, and community building events addressing a wide range of contemporaneous local, national and international issues. The IVCC became the lab for undertaking the Trow Report's "experiment in community development." Included in the massive list of special interest organizations and reports that found their genesis at the IVCC are the Open Door Medical Clinic, Community Federal Credit Union, Tenant's Union, Government Study, Police Commission, the Recreation and Park District, Animal Control Commission, Youth Project, Children's Center, Food Co-op, Human Relations Center, and the Rochdale Housing Co-op.¹³⁷⁰

As many of the organizations that were started in the IVCC formed their own identity, the IVCC itself eventually had less political exclusivity. Due to the findings of the Police Commission, the Isla Vista Foot Patrol was created as a special interest organization to address local policing problems as a coordinated effort of both the County of Santa Barbara and UCSB. Another example of the growing self-generated obsolescence in the IVCC, the Isla Vista Food Co-op grew into a fully operating back-to-the-land movement with a local store, an operating nursery, community garden plots, and eventually, an operating commune. Over the years and relative

¹³⁶⁹ Report of the Commission on Isla Vista (Trow Report), UNIVERSITY OF CALIFORNIA, SANTA BARBARA, 3 (1970).

¹³⁷⁰ LODISE, *supra* note 1106, at 61. This list is largely taken from Lodise's citizen history. Strand also details many of the same organizations in her historical account of Isla Vista. *See also* STRAND, *supra* note 1099.

success of the other community-building organizations begun in the IVCC, the IVCC found it only politically “owned” one special interest for Isla Vista: city incorporation.

Special interest organizations continue to be a major part of the Isla Vista collective experience. Rather than fully commit to any single long-term identity, Isla Vistans prefer to create organizations around particular issues, addressing them only so long as is required, or until the issue becomes too costly. For example, a slew of special interest organizations became heavily involved in homeless issues throughout the 1980’s. Committees to “Save the Bluff,” then to “Save Perfect Park” have risen from the dry soil of Isla Vista as necessary, but never a moment longer.

Rather than viewing self-indulgent behavior as a sin, in Isla Vista this personal investment in individual freedom is simply a fact of collective life. Illustrating this point, the first General Manager of the IVRPD remarked “initial park development was difficult because many of the early park workers would drop their tools the minute the surf was up.”¹³⁷¹ Strand also concludes her 1925 – 1975 history of Isla Vista with similar remarks regarding the reactive nature of residents concerning the defense of their community. She states “when the threat was removed, Isla Vistans relaxed back into their real passion: maximum individual freedom.”¹³⁷²

D.4.2.1.3. Tactic 3: Special District Formation

Citing a series of self-help projects undertaken by student residents of the eastern half of Isla Vista, by 1970, vacant lots were already being ‘adversely possessed’ as play fields, a volleyball court, and a multitude of gardens. In and of itself, the Perfect Park installation could be dignified as a collective self-help project, as no authoritative fiat was expressed nor continued in the future to maintain the park. Noting that all the parks of the Isla Vista prior to 1972 could be contractually closed with simply a 30-day notice, the Trow Report stated: “Isla Vista’s university-age residents need a permanent community park.”¹³⁷³ As if foretelling future circumstances, the month-to-month lease between landowner of the Perfect Park site and the University was not renewed after 1971.

In the Spring 1971 quarter at UCSB, Carter Ray wrote a paper on the possibility of creating a downtown park for Isla Vista. As discussed previously, this downtown park idea gained the support of the County, UCSB and the IVCC. Central to the success for creating such a park, a

¹³⁷¹ ZIEGLER-McPHERSON, *supra* note 124, at 45.

¹³⁷² STRAND, *supra* note 1099, at 255.

¹³⁷³ Trow Report, *supra* note 1369, at 39 - 40.

special district was found necessary to install and maintain the prospective park. On Halloween 1972, the residents of Isla Vista approved the creation of a new special district for the installation of this park, the IVRPD. To this day, the IVRPD is the only special district that is geographically tailored to the physical borders of the Isla Vista community.

After the June 10th Perfect Park Sit-in, three major issues became paramount for the Isla Vista community as a whole: restraint of the police force to local conditions, the improvement of the built environment, and the realization of a locally autonomous identity. After the IVCC effectively promoted the new Isla Vista Foot Patrol as a coordinated effort of both UCSB and the County, the first major issue was largely solved for residents. The final two issues, an improved physical environment and locally autonomous identity, fell into the purview of the IVRPD. Although these issues were initially carried equally by both the IVCC and IVRPD in the early 1970's, by 1975 the IVCC's political fight for incorporation frustrated any other earnest efforts for community improvement. Facing opposition from the majority of landowners and the university, the IVCC's sole special interest was no longer a serious option after 1973.

As such, the IVRPD became a catch-all, shadow government for all the social services, public urban improvements, and the eternally illusive local identity. Once the IVRPD had become the single vehicle of minority expression in the Isla Vista community, that mission was realized with a multitude of projects on an abundance of different park properties spread throughout the community. Before analyzing further, it is important to reiterate Deleuzian concepts of rhizomatic procedure:

The rhizome is altogether different, a *map and not a tracing*. ... What distinguishes the map from the tracing is that it is entirely oriented toward an experimentation in contact with the real. ... It can be drawn on a wall, conceived as a work of art, constructed as a political action or as a meditation. Perhaps one of the most important characteristics of the rhizome is that it always has multiple entryways...¹³⁷⁴

Here, once the IVRPD became the tactical "winner" of the four different attempts at realizing a minor form of urban development, it did so both in a large range of parcel locations as well as in a multitude of proposed ideological methods. The District acquired the majority of its property in two purchasing pushes. The first was from 1975 until 1980, as the second began in 1992 and ended in 1998. Since 1998, the IVRPD has not purchased any new properties.

¹³⁷⁴ DELEUZE & GUATTARI'S A THOUSAND PLATEAUS, *supra* note 22, at 12.

From the 1975 until 1980, all but one (Gaffney Park) of the properties acquired was located in the densely S-R or Commercial zones of Isla Vista. Not until the political shift whereby the homeowners democratically gained control of the District were any properties purchased in the R-1 west end neighborhood of the community. In fact, the only property purchased in the eastern two-thirds of the community after 1990 was Perfect Park. As argued previously, a tipping point was reached in the 1990's when the homeowners controlled the IVRPD's Board. At that point, the homeowners themselves eventually identified with the greater Isla Vista community, reifying the Park District in their own manner rather than dissolving it from their political position within. Arguably reflecting this newfound solidarity, very attractive park and open land-use developments were realized on the northern edge of the R-1 neighborhood. Beyond this R-1/S-R distinction, the individual parcels appear to be randomly acquired as the political and financial characteristics presented favorable circumstances for purchase (See **FIGURE 162**).

Exhibiting a greater degree of "experimentation in contact with the real," the ideological shifts represented by the IVRPD as it developed into its contemporary form expresses a clear "multitude of entryways." Carter Ray's original proposal for the IVRPD was simply the installation and maintenance of a single downtown park, today's Anisq' Oyo' Park. He projected the Park District would have an estimated budget of only \$26,720.¹³⁷⁵ Once Ray became the General Manager of the newly formed district, the breadth of the IVRPD expanded to a park *system*, one that acquired as much open space as possible to avoid any increased congestion in Isla Vista.

Without losing any investment in the creation of Anisq' Oyo' or the expansionist park system endeavor, in 1975, the District was swept up in the business of community gardening. The operations added a nursery by 1978, and then a working back-to-the-land commune by 1979. In 1978 – 1979, the Park District added land trust duties when it purchased the Del Sol Vernal Pool Reserve, preserving and maintaining the grounds as endangered species habitat. Throughout the 1980s, homeless shelter and soup kitchen duties were either run by IVRPD personnel or housed on the public grounds they owned. In 1992, the District was drawn into a condemnation procedure so as to preserve a park space found culturally significant to the resident public.

From 1992 until 1996, the District completely shifted away from social and community services, focusing simply on executing the existing park system that had been created over the past 20 years. By 1998, new west end park developments were added to serve the homeowners of Isla

¹³⁷⁵ ZIEGLER-McPHERSON, *supra* note 124, at 21.

Vista. A new channel for the Park District's influence on the urban environment opened in 1999 as the County and UCSB endeavored to publish a Master Plan for Isla Vista. As all three signed a memorandum of understanding (MOU) as equal participants in the study, the IVRPD officially and solely represented the Isla Vista locality.

The Master Plan was completed and released as final in August 2007. In it, there is no mention of city incorporation for implementation of the plan's objectives. Rather, the creation of a plan-specific redevelopment agency is suggested so as organize and fill the gaps between County, UCSB and the IVRPD's ongoing implementation efforts.¹³⁷⁶ A four page project implementation spreadsheet is provided in the final chapter of the Master Plan, divvying up itemized projects between local businesses, the County, UCSB, IVRPD and the to-be-created redevelopment agency.¹³⁷⁷ Due to the recent legal end to all redevelopment agencies in California,¹³⁷⁸ Isla Vistans will again have to rely largely on a self-help endeavor to improve their built environment according to the Master Plan. With 40 years experience of pulling together issue-based responses to politically ripe improvements, it is a surety that the IVRPD will be at the center of improving the built environment of Isla Vista, with or without a redevelopment agency.

D.4.2.1.4. Tactic 4: City Incorporation

Perhaps due to the quick success of the IVRPD's special district formation, the IVCC and their fellow city-hood incorporation proponents studied, promoted and applied for a city election by 1973. Based on the findings of an Isla Vista Government Study, the IVCC hoped to realize a revolutionary "liberated zone" as outlined in Tom Hayden's *Ramparts* magazine. More ambitious even than the revolutionary aspect of their incorporation application, the IVCC set out to turn the tables on the UCSB administration by including the campus within the proposed Isla Vista city's purview. With hindsight, it is not surprising the original 1973 application was overwhelmingly rejected by the LAFCO.

Regardless, the city incorporation tactic has been attempted three times by the IVCC in 1973, 1975 and 1985. In 1992, a joint committee created by the County of Santa Barbara and UCSB suggested incorporating Isla Vista, or at the very least annexing the community into a neighboring city, as a solution to many of the service and redevelopment needs of the landlocked

¹³⁷⁶ Isla Vista Master Plan, *supra* note 1315, at 5-1.

¹³⁷⁷ *Id.* at 5-2 thru 5-5.

¹³⁷⁸ California Redevelopment Ass. v. Matosantos, No. S194861 (CA State Supreme Court, Dec. 29, 2011).

hamlet.¹³⁷⁹ Landowners balked at the issue even being approached again after repeated defeats in the past.¹³⁸⁰

As the primary “redevelopment agency” vehicle of funding and executing the Isla Vista Master Plan has been nullified by the State of California, initiatives to incorporate or annex Isla Vista will continue indefinitely as a tactic of urban change. But, as this tactic has now been restarted by the County and UCSB, questions may arise as to the impacts of such a measure. As the whole Isla Vista community has now found a manageable balance between the three neighborhood blocks, facilitating necessary changes as they are found ripe through the IVRPD, incorporation could be the very act that would homogenize this unique, locally indigenous form of community expression. In fact, most of those that were supportive of incorporation in the 1970s have now found they see no reason to change the current municipal status of Isla Vista.¹³⁸¹ Further, the unincorporated status of the community has itself become a major part of the contemporary identity.¹³⁸²

Both tactically and physically over the past 40 years, Isla Vista’s resident and landowner population has self-defined their own local identity with heated politics and inspirational moments of inter-interest coordination. Although started by the student-resident activists of the mid-1970s, since the mid-1990s the collective mantra of “maximum freedom” has assured a strange form of solidarity over the whole of Isla Vista, a mantra that has proven mutually exclusive to any proposed unifying agency. Rather than incorporate, the IVRPD has amassed a reserve of open space and parks to support special interest expression in the community, arguably enabling *ad hoc* communal endeavors rather than succumbing to homogenizing unity.

On January 28, 1983, the beloved “Isla Vista Tree” fell from the cliff it was perched into the Pacific Ocean. The Isla Vista Tree is directly referenced both on the “Welcome to Isla Vista” sign discussed earlier, and as the prominent figure on the IVRPD trademark (*See FIGURES 233*). Lodise recants that the tree had “come to be the symbol of Isla Vista’s dreams of self-governance.”¹³⁸³ I believe it is fitting that the tree fell from the cliff as the *revolutionary* movement it symbolized fell from the collective consciousness of the Isla Vista community. By

¹³⁷⁹ ZIEGLER-McPHERSON, *supra* note 124, at 233.

¹³⁸⁰ *Id.* at 233 - 234.

¹³⁸¹ *Id.* at 237.

¹³⁸² Arnold, *supra* note 1079. In this article, the fourth item self-describing Isla Vista states: “Santa Barbara won’t claim me. Goleta won’t claim me. I’m an orphan child – and I kind of like it.” On research evaluation, during interviews and conversations with Isla Vista agency representatives including the IVRPD and the Tenant’s Union, Isla Vista is regularly referred to as the “bastard child” of the UCSB. Increasingly, that status is conveyed as a term of endearment rather than due to existing political inequity.

¹³⁸³ LODISE, *supra* note 1106, at 154.

1983, the IVRPD was the largest property owner in Isla Vista as the IVCC was slowly losing political legitimacy. If they were still alive today, Deleuze and Guattari may find delight in the fact that an arborist form of local governance and its living symbol were washed away on the West Coast of the United States. Instead, a politically driven inter-interest system of non-dominant stakeholder balance has emerged for Isla Vista, relying on rhizomatic (and largely undefined) self-governance to literally keep the peace on a bluff overlooking the Pacific.

D.4.2.2. Undertaking the Characteristics of a Minor Architecture

Landlocked Isla Vista, surrounded on all sides by the UCSB and the Pacific Ocean, is densely filled with over 22,000 residents living in a 345 acre community. Since 1972, the IVRPD has maintained the sole jurisdiction to specifically improve the built environment of Isla Vista with parks, open spaces and recreational programs. With a budget that began at an estimated \$26,700 in 1973, today's IVRPD is a robustly representative and increasingly professional organization enabled with a \$2.3 million annual budget. Although the times have changed, the IVRPD continues its original twin goals to provide open space and maintain an alternative basis of community for Isla Vista residents.

D.4.2.2.1. Deterritorialization of the Major Design Language

To reiterate, Deleuze and Guattari outline how Kafka first employed the major language (German) in a physical space that itself was already deterritorialized. The second phase of Deleuzian emphasis regarding deterritorialization rests on the manner in which the practitioner literally *uses* the major language. As Kafka used the written German language to subvert its very authority in the local culture, he stretched the language's structure and uses in such a manner so as to make it nearly unreadable, but nonetheless, ripe for minority invention for disenfranchised enunciation.

In terms of the IVRPD's physical space of origins, Isla Vista in 1972 was defined by deterritorialization committed by both external and internal forces. In terms of the external forces, both the County and State (via the UCSB's administration) exiled the small community, imposing an untested zoning code over the landlocked triad of neighborhoods. Rather than annex Isla Vista as a portion of the UCSB campus while it was still largely vacant, the State decided to only institutionalize that property that could be had for free, namely the decommissioned Marine Corps Air Station Santa Barbara. Once enrollment was projected to

reach 25,000, the UCSB administration purchased the adjacent property north of Isla Vista from a prominent businessman Thomas Storke.

Storke sold the property in the early 1960's for \$1.15 million, half of which he donated back to the university for academic programs.¹³⁸⁴ The university also established the Coal Oil Point Reserve in 1970 on the west adjacency of Isla Vista as an ecological rehabilitation site and extension teaching facility.¹³⁸⁵ By the time the riots swept Isla Vista, the community was completely surrounded by the university, unattractive both to neighboring cities and the UCSB due to its unique development history and exhibition of poor construction technique. Isla Vista was truly an urban orphan, living on the beach as an urban mess with minimal regulatory oversight.

In Isla Vista, approximately 99% of the property that all residents lived on was owned by absentee landlords, ultimately concerned with only two things: increasing incoming rents while decreasing relative property overhead. Once the water moratorium seized development at the tail end of an exponential building boom, communal options for collective architectural expression were at the very least, limited. On a grander level, Isla Vista had experienced a uniquely jarring sequence of real property realignments in its short history. Within a 25 year time frame, the territorial status of Isla Vista shifted from failed speculative investment property (1950), to boom town (1965), to "armed camp" (1970), to "liberated zone" (1971), and finally into the unincorporated tripartite libertine community known today.

After the June 10th Perfect Park Sit-In, a hope to realize a "perfect community"¹³⁸⁶ from the ashes of the Bank of America riots was clearly articulated by the whole Isla Vista populace. But by the time the IVRPD was elected into existence, in spite of the hopes that a new utopian was on the rise, it is clear from hindsight that the riots and police occupation had deterritorialized the urban landscape of Isla Vista. Inevitably, before a single utopia could be pursued, the community itself had to find its own fitting and self-generated reterritorialization as a foundation for collective expression.

Initially employing both the IVCC and the IVRPD, the community did set out to reterritorialize her urban landscape in the hopes of creating "a beacon on the hill for the counter culture."¹³⁸⁷ Due to the special district's power to finance and own real property, the developing collective

¹³⁸⁴ *Id.* at 11.

¹³⁸⁵ *General Information: Coal Oil Point Reserve*, UNIVERSITY OF CALIFORNIA NATURAL RESERVE SYSTEM (2012) <<http://coaloilpoint.ucnrs.org/GeneralInfo.html>>.

¹³⁸⁶ STRAND, *supra* note 1099, at 167.

¹³⁸⁷ *Id.* at 260.

urban expression found its initial enunciation vocalized by the board and staff of the IVRPD. Conducted largely on space that was sold to the District based on circumstances that limited the developmental potential of the property, the IVRPD has carried forward their mission for the past 40 years in fits, starts, and waves of development productivity in all three neighborhoods of Isla Vista.

After the police occupation, Isla Vista was a richly deterritorialized environment, allowing the IVRPD to perform its duties in providing park spaces and recreational activities in a uniquely “alternative” manner. Since Tom Hayden’s June 6, 1970, speech on the UCSB campus, the youth-based activists exhibited distrust of park improvements as they were seen a realization of an intent to “ultimately turn ghettos into parks” and “force the hippie squatters to move.”¹³⁸⁸ In response, most of the parks developed by the IVRPD were simply left open and undeveloped. Further, many properties were expressly purchased and maintained to endorse counter-culture activities including community gardens, a nursery that specialized in native vegetation, and culturally significant properties specifically reflecting the indigenous roots of Isla Vista. Adding to the deterritorialized aspect in contrast to normative park installation, most parks could not (and still do not) have water meters to provide regular maintenance of the grounds.

Until the late 1990s, the IVRPD largely expressed its park “planning” and installation in a haphazard manner. For instance, once it was found that the former downtown gas station was vacant in the mid-1970’s, the IVRPD decided to lease the downtown location to provide crafts, trade and arts education. As another example, once it was apparent the Tipi Village would be closed due to sanitation code enforcement, the District redirected its funding, political capital and interest towards saving the commune for a number of years. Yet another example is the after-the-fact manner in which the Farm Project found a home at the IVRPD once the organization had been evicted from UCSB property. Until the late 1990’s, the IVRPD conducted its “park and recreation” mission not as an agency with a clear protocol, but rather, as a reactive advocate for those Isla Vista residents experiencing immediate threats of inequity or heightened demonstrations of marginalization.

In general, although charged with providing a “recreational” function for the youthful Isla Vista community, the Park District has since 1972 increasingly provided all the essential political functions of cityhood under the agency’s strictly limited bureaucratic purview. This expansion of District’s breadth so as to embody *all* civic expression results in a high coefficient of

¹³⁸⁸ Judd, *supra* note 1085, at 126.

deterritorialization as to the meaning of a park district. For instance, at the flagship Anisq' Oyo' Park downtown, an open amphitheatre built for live music has regularly performed as an open-lawn political square. Further, the District's headquarters has become the *de facto* city hall for Isla Vista, providing and bureaucratically managing public service delivery for a whole range of evolving community services. Most telling of the civic role this District has played, the IVRPD has advocated for and provided many of the services desperately needed by the residents, including but not limited to beach access, green space, homeless shelters, soup kitchens, biological reserves, improved transportation facilities, water management techniques, extensive youth programs, and organic farm production. In its official capacity representing the local governance of Isla Vista, the IVRPD's role as an equal agency member in creating the Master Plan of Isla Vista is indicative of the expansive redefinition the District has embodied in terms of providing "recreational" services.

D.4.2.2.2. Connection of Individual to Political Immediacy

Strand has strikingly pinned the crux of the local political struggle that defines Isla Vista:

The history of the Isla Vista community has been one where the needs of the community have continuously bumped up against the will of individuals to exercise their rights. This pattern first emerged in the 1950s as Isla Vista residents banded together to form their Improvement Society which chose the twin goals of a beautifully planned and enveloped community and zoning allowing extremely dense population. The beautiful community plan acted as a republican-style common good and the dense population addendum served the individual right to profit from prior investments. In the end, as has been shown, the two goals were incompatible and the aesthetically beautiful community lost out to hastily built housing squeezed into small lots. The needs of the community lost out the desire of the individuals to build with maximum freedom.¹³⁸⁹

Due to this clear collective preference for individual rights, the most ambitious communal effort that has emerged from Isla Vista since its inception has been the Park District, an agency whose logical rationale is the empowerment of individual recreation. Considering that Isla Vista is five times the populated size of Lockhart, Texas (the community Colin Rowe and John Hejduk identified in their 1957 Architectural Record article as a "triumph of minor urbanism"¹³⁹⁰), this overtly minimalist expression of built resources and services in furtherance of the common good is shockingly sparse compared to normative standards of civic infrastructure. As much as Lockhart's built environment exhibited the political importance of rural justice to the trained

¹³⁸⁹ STRAND, *supra* note 1099, at 59.

¹³⁹⁰ Somol, *supra* note 12, at 791.

eyes of Rowe and Hejduk, Isla Vista's complete lack of monumental architecture is itself a clear indication of the political importance of the individual over any single idea of the common good.

In spite of this preference, there are select needs of the community that are important enough to manifest by the power of the single agency of action. These developments in furtherance of the common good are largely ecologically driven, built upon the pure ethic to preserve natural systems rhetorically illuminated by Huxley in 1959, and practically proven to be imperative after the Union Oil Drilling Platform Spill in 1969. Those common goods that have proven to be politically paramount according to this non-dominant ministry can be read from the very amenities provided in the Park District's properties themselves, as each amenity can be characterized according to the private, public, or combination private/public use in the built environment of Isla Vista.

Throughout the 22 park properties, including the Park District headquarters, there are 41 amenities identified that are spread throughout the Isla Vista community. Those amenities include Agricultural/Public Gardens, Amphitheatre, Basketball Court, Bathrooms, Beach Access, Beach Views, Benches or Swing, Bike Racks, Bus Stop, Coastal Protection, Community Message Board, Disc Golf Course, Disc Golf Putting Green, Dog Waste Bag Dispenser, Equipment Storage, Gazebo, Greenhouses, Historic Property, Office Space, Old Growth Oak Orchard, Open composting, Open Space, Parking, Peace Monument, Pedestrian Cut-thru/Path, Picnic Tables, Playground Equipment, Refitting of Gas Station, Rock Wall, Shower, Skate Park, Species Habitat (Vernal Pools), Take It/Leave It Communal Sharing Depot, Trash Services, Volleyball Court, Water Fountains, Water Reservoir (Ponds), Windmill, Worm compost boxes, YMCA Teen Center, Zipcar/Carshare Only Parking & Services.

These amenities can be further categorized into three groups, amenities that are strictly for individual profit, amenities that are strictly for the communal good, and those amenities that perform both for individual profit and communal good. *See* **TABLE 22** for a reasoned categorization of the 41 amenities provided by the IVRPD. What is important at this point is that there are amenities expressed specifically for the common good, including open space reservations, species habitat, and the YMCA Teen Center. In addition there are a multitude of "right to profit" enabling amenities provided by the IVRPD, including an outdoor rock wall, a multitude of beach access points, and a skate park in Estero Park. These individual-centric amenities are provided to capitalize on the outstanding weather, the superb beach, and the positive attributes of living in a dense community of young adults.

Regardless of providing individual or common goods, the IVRPD provides the space, facilities, and bureaucratic mechanism to connect each individual to the greater political movement that Isla Vista represents by its very existence. Although spurred into existence by the riots and reactive revolutionary rhetoric of the early 1970's, the contemporary IVRPD empowers a final communal bastion of unincorporated collective coordination. Rather than systemically developing city codes, taxes and a city bureaucracy furthering the ends of typical normative planning, the IVRPD protects Isla Vista in its sustained experiment of minimal, hyper-liberal governance. The IVRPD does so by keeping an open door to all communal needs, addressing those needs as they arise for as long as strictly necessary and eventually returning Isla Vista to a collective political state that heavily favors maximum individual freedom.

D.4.2.2.3. Collective Enunciation of a Disenfranchised Community

An important aspect of contemporary Isla Vista and its expression of a minor expression of the built environment is that this expression is no longer generated from the 1970's youth-oriented counter-culture movement. With the end of the Vietnam War, the broadened suffrage of 18 – 21 year olds, and the general liberalization of American culture, the marginalization suffered by the Baby Boomers from 1965 until 1975 is no longer at issue to such a degree that an UAF is necessary for collective expression.

Rather, the IVRPD UAF represents a uniquely *pure* experiment in collective liberalism that found an origin with the riots of 1970. As community members shrugged off the revolutionary tenor of the riots, a wholly alternative and indigenous expression of locally autonomous community fumbled towards illumination. Only a single “welcome” sign that features a symbolic tree that fell into the ocean nearly 30 years ago demarcates passage into Isla Vista. Even so, much like the downtown square of Lockhart, the visitor who walks the streets of Del Playa, that encounters the happy hobos stationed at the base of Perfect Park and eventually finds their way down to the tar-spotted beaches knows something different thrives in Isla Vista. That unique feeling is the potency of youth, the unconscious knowledge of Isla Vista's political predisposition for an active form of civic recreation. The beach, the parties, the surfing, kayaking, environmental celebration, sunshine, basketball, gardening; Isla Vista is a place to personally enjoy the outdoors in its most natural and native form. Homeowners, residents and property owners all come to this “orphan” community to avoid the rationality that pervades contemporary

civilization. They come to inhabit Isla Vista so as to continue an “energetic pursuit of their individual lives.”¹³⁹¹

In spite of this empowering “individual pursuit,” the residents who enjoy the parks provided by the IVRPD continue to live in a condition whereby they are lorded over by vested economic interests, the County, and the global-scale desires of UCSB. Isla Vista continues to exist as a low-quality, high-density residential dumping ground for the renting working class, immigrant households, and students who cannot otherwise secure better housing accommodations. Detailed in Ziegler-McPherson’s history of the IVRPD are accounts of IVRPD general managers living with large households of roommates so as to afford an address in Isla Vista.¹³⁹² This exhibited disparity between the cost and quality of living in Isla Vista is a testament to the continued exploitation of the renting residents living in the purposefully unregulated conditions of Isla Vista. Although the riots ended with newfound constructive community-building efforts, only those efforts that did not outright offend dominant cultural powers survived to continue a minor form of advocacy and urban development, purposeful but strictly limited in enunciating the desire for collective environmental justice.

D.4.3. A Home for the Marginalized Population

Deleuze and Guattari discuss in *KAFKA* that “an assemblage ... has two sides: it is a collective assemblage of enunciation; it is a machinic assemblage of desire.”¹³⁹³ Most important to the marginalized producer is that the assemblage is an expression of the “home” for the minority community, constructed from “decoded fragments of all kinds.”¹³⁹⁴ Immediately after the riots of 1970, Isla Vista became an open lab for civic discovery led by the IVCC with funding from the County and UCSB. Within a few short years, as the IVCC focused primarily on incorporation as the single solution to Isla Vista’s community needs, the IVRPD increasingly assumed the role of civic exploration. More often than not, rather than instigating the various forms of civic experimentation, the IVRPD became a consistent advocate and organizational repository for those productive communal projects that found marginalization either at a time of their proven success (Tipi Village)¹³⁹⁵ or dissolution (Little Acorn Nursery). By the time the IVRPD was asked

¹³⁹¹ STRAND, *supra* note 1099, at 261.

¹³⁹² ZIEGLER-McPHERSON, *supra* note 124, at 174.

¹³⁹³ DELEUZE & GUATTARI’S *KAFKA*, *supra* note 29, at 81.

¹³⁹⁴ DELEUZE & GUATTARI’S *A THOUSAND PLATEAUS*, *supra* note 22, at 502.

¹³⁹⁵ In regards to the Tipi Village, it was the continued *success* of the commune that made their operations a target of outside regulatory sources. Ziegler-McPherson outlines how the commune itself had to strictly limit membership so as to not over-populate the space given, and that these individuals were a major source of volunteer labor for both the Park District and the “Human Bean-Farm.” See ZIEGLER-McPHERSON, *supra* note 124, at 69 - 73.

to step in to defend each organization against another policing body, the usual outcome was simply a fair method of phasing out the civic experiment.

The nature of the IVRPD's relationship with the whole Isla Vista community changed in the mid-1990s. As nearly all the micro-civic experiments had either found a permanent hold in the community (Food Co-op), dissolved (Tipi Village) or integrated into the service purview of the IVRPD (Isla Vista Youth Project), a grander as of yet unidentified civic experiment was emerging. Normally, when a community wishes for an autonomous local identity, incorporation is a guaranteed method of legitimately forming an independent civic body to manage the services, economics and social necessities of that community. Smaller scale forms of local autonomous identity that can be quite successful include homeowner associations (hereafter "HOA") which strictly bind private communities with deed restrictions, or neighborhood associations (hereafter "NA") which loosely bind individuals in a select small-scale geographic area based usually on membership in a non-profit organization.

Here, Isla Vista has taken an alternative route to achieve a locally autonomous identity by employing the Park District to do a combination of functions that could be borrowed from all three local forms, including the city, HOA and NA. Like a municipal government, the IVRPD must adhere to general election results and represent a greater communal good that fairly improves the conditions of all stakeholders in Isla Vista. Like an HOA, the IVRPD has a mandatory revenue source used for the maintenance of properties and services to the benefit of all property owners and residents. Like a NA, the IVRPD actively solicits and receives communal input so as to direct the Park District's services toward the most problematic issues impacting those that live in Isla Vista, many times soliciting additional help from the County and the University for issues outside the Park District's jurisdictional powers.

In general, the IVRPD is perhaps not the *perfect* vehicle for its current role as *the* local authority, but over the past 40 years, it has become a *practical* solution to the most acute problems facing the community as a whole. The IVRPD has maintained its effectiveness largely due to its ability to politically vet the complete inter-interest discourse without losing its fundamental legitimacy in the community. This legitimacy is founded in a multitude of methods. First of all, legitimacy according to the resident-renters has consistently been secured in the role of the IVRPD's advocacy for an improved urban environment as per resident needs in the community. Second, legitimacy has been recently afforded the IVRPD since the passage of Measure A (a permanent legible funding measure for the Park District) as even property owners in Isla Vista acknowledged the greater role the District plays in improving the living conditions of Isla Vista.

Homeowners in the R-1 neighborhood of Isla Vista also appreciate the contribution of the IVRPD for two reasons. First, there have not been major riots nor police occupations in the community since 1970 in large part due to the community building efforts of the District. Second, the District has taken an active role in creating parks and open spaces on the west end of Isla Vista, including their neighborhood in the greater recreational identity of the Isla Vista community.

As for the County and the UCSB administration, the IVRPD has afforded both dominant political forces an intermediate agency to advocate for Isla Vista without threatening the basis of their own power, much like the TGiE's role in relation to the Government of India. This permanent minority position in local governing politics is both the key to success and an emasculating attribute of the IVRPD. Although the District can advocate, plan and vet any number of social issues regarding the collective experience in Isla Vista, they are limited to only acting upon those issues that have some relation to recreation. In spite of the permanent position of the Park District, beyond their role in bolstering the recreational attributes of Isla Vista, the agents of the IVRPD can only wait for an appropriate opportunity to advocate and usher in grander urban improvements in the community, improvements that would usually be a regular agenda item for a municipal government.

Except for the one percent of the residential population that lives in the R-1 neighborhood, Isla Vista is a high-density neighborhood of the renting working class, immigrant households, and students. Reflecting on the conditions that existed in 1970 during the riots, Judd comments:

Isla Vista was constructed for the purpose of housing a population that was not fully empowered, or accepted by an elite that derived a significant profit from that development. But, Isla Vista did not house blacks, or any minority per se, it housed youths, a temporal minority; individuals who almost certainly would rise to positions of authority once past their youths.¹³⁹⁶

Today's Isla Vista population is still mostly made up of youths who are temporarily passing through Isla Vista on a path to more powerful, actualized forms of citizenry. Further, the immigrant households and working class renters are also largely holding up in Isla Vista until they can move forward to better opportunities, enjoying the extremely lax living conditions allowed in Isla Vista. Differentiating from a ghetto that acts as an end-point for disenfranchised communities, Isla Vista is a place for most to temporarily live, to enjoy the beach and establish a new course for their careers, families, or lives. Isla Vista is a home to those that are transitionally marginalized, exploited by their landlords and the changing circumstances of their lives in an

¹³⁹⁶ Judd, *supra* note 1085, at 122.

unincorporated community literally framed by one the most powerful economic forces in the county: UCSB.¹³⁹⁷

A community devoted to realizing the most in personal pursuits, the IVRPD performs as a logical mechanism for balancing the interests of those potentially exploited against the insatiable will of local agents of profit. Employing an apolitical ideology of recreation, the Park District provides a platform for constructive changes in the urban environment when necessary. Otherwise, the District simply continues in its mission to provide open space, sports fields, garden plots and leisure activities locally appropriate to this unincorporated community.

D.4.3.1. Balancing the Tetravalent Condition of the Assemblage

As discussed in Deleuzian terms, the assemblage acts as specific micro-strata within the greater stratum, one that is expressing its own re-coding over the real historic, social and political landscape from within. As it concerns the community of Isla Vista, invested landowners have systemically prepared and defined the 330+ acre area simply as a speculative opportunity, attractive first because of the prospect of crude oil reserves, then due to its dual adjacency to both a major UC campus and the Pacific Ocean. Once Isla Vista realized its boom-town status in the mid-1960's, the 1/2-mile square hamlet was dramatically vehicularized with high-density, low-quality residential rental properties.

Residents living in the literal engines of opportunist capitalism reacted violently in 1970, and then constructively thereafter by collectively purchasing the leftover spaces between their rental units and redefining them as “here”-sourced places for the enjoyment of the outdoors. Based on an internally formulated process of political realization, the IVRPD was elected by the residents of Isla Vista to purchase, reserve, and maintain the remaining open space in furtherance of a native linguistics of urban development. It is fitting that a community that cannot politically unify to incorporate has instead elected to create a special district simply to collect and manage the remaining open spaces for the common good. As Strand described in her dissertation's preface, what has been left for the contemporary resident of Isla Vista are the “scraps from a moveable feast.”¹³⁹⁸ In spite of the exploitive nature of the legal owners of Isla Vista, the renting

¹³⁹⁷ Vision 2025, *supra* note 1317. Within this plan, the UCSB's “Impact on the Economy” is detailed and available online at <<http://lrpd.id.ucsb.edu/?q=ucsbs-impact-economy>>.

¹³⁹⁸ STRAND, *supra* note 1099, at 1 and 5. She quotes Ernest Hemingway, using his description of Paris as a “moveable feast.” In Isla Vista, Strand simply found “the scraps from someone else's moveable feast.” In her description, she references the rich counter-cultural history of Isla Vista of the time of the bank riots. In another light, the quote could also pertain to the iterations of speculative profit made from this small community since 1926 when it was subdivided and sold as a combination beachside residential and oil production village.

population has for the past 40 years attempted to recode this ocean bluff with eco-pacifism and an ideology of holistic recreation.

D.4.3.1.1. Content *and* Expression

The IVRPD has performed as a collective expression of legitimate self-governance in Isla Vista. In performing its duties to the resident electorate, the Park District has purchased and developed 22 independent properties, providing in those properties roughly 41 amenities to local residents. Gathered in these parks are the beginning artifacts of the IVRPD (hand carved signs at Estero and Window-to-the-Sea Parks), as well as contemporary examples of successful park management (bathrooms at Anisq' Oyo' Park). Organic gardening beds, the I.V. Youth Center, beach access points, the amphitheatre; these are just a few of the tokens of content that reference the fact Isla Vista is more than just a honey trap for student rent money. This content represents the alternative, minor position that Isla Vista has a native unspoiled character that should be both respected and celebrated.

The newfound professionalism of the IVRPD in maintaining its properties and social activities on behalf of the Isla Vista residents indicates more than the historic moment when parks were created to simply avoid future riots. After the riots, the inter-interest body of those concerned with the future of Isla Vista required three changes: a police squad sensitive to Isla Vista's unique characteristics, an improved built environment for those that live in Isla Vista, and a locally autonomous identity for the community. After the Foot Patrol successfully transitioned the existing Sherriff's squad patrolling Isla Vista, the final two conditions of change were increasingly left on the shoulders of the IVRPD. Today, as the thought of incorporation seems ridiculous considering historical attempts to do so, the IVRPD has instead proven that incorporation is unnecessary to (slowly) improve the built environment. More importantly, even if Isla Vista were to incorporate, the local identity for this community has already manifested in the services, parks, and political functions of the IVRPD. Although potentially exploited in their very own homes, the residents of Isla Vista are not without an advocate or source of political regress: the IVRPD has become the native source of *ad hoc* empowerment.

D.4.3.1.2. Territorial *and* a Product of Deterritorialization

As to the place-based axis of the assemblage, the protagonists of the IVRPD do not have the power to add sidewalks, rezone, or even install a water source without the approval and jurisdictional execution of other county agencies. Although the IVRPD has the authority to

purchase property within the landlocked ½ mile square area of Isla Vista, their own jurisdictional powers are for the most part limited to the parcels they already own. Beyond the charity of a local property owner or a unique county project, the opportunities within Isla Vista for resident respite are hemmed by the legal descriptions of the deeds they have recorded with the County of Santa Barbara. Although they are limited to the 51 acres held in trust for the three-neighborhood community, in a positive light this “temporal minority” has carved away a unique territory for collective enunciation and action.

At the point of genesis for this territorial fixture, Ray Carter was searching for a constructive manner to protest the Vietnam War that could be realized in such a way so as to at least partially ameliorate the poor living conditions in his “recreational” hometown.¹³⁹⁹ Further, after the 1970 riots, there was an almost unanimous call for open and developed park space for Isla Vista, especially within the downtown Loop of the original ‘Ocean Terrace’ business neighborhood. Also, the site of the first formal park in downtown, Perfect Park, was a well known inter-interest success story regarding the fruitful coordination between the property developers, County officials, UCSB administrators and the residents of Isla Vista for mutual built satisfaction. The good karma emanating from this early JIVE project carried forward to June of 1970, as the Perfect Park was the site of the peaceful sit-in that ended the violent protests of the community.

But for the riots that temporarily turned Isla Vista into an armed camp, the political inertia required to convince the County, the LAFCO and the University administration to back the creation of a new special district for park and recreation management would not have existed. The riots of February and April of 1970 brought the territorial meaning of Isla Vista to ground zero, completely evacuating the simplistic notion that Isla Vista would be a massive bedroom community for students of the growing UCSB. One could view the riots as a symptom rather than the cause of Isla Vista’s deterritorialized meaning, as the absentee nature of landlordism, the massive oil spill, and the growing threat of continued international war all brought disillusionment to the youthful population in Isla Vista.

In 1980, the Park District printed a poster of the Isla Vista Tree growing from the ashes of the Bank of America building, reminding residents of the Park District’s origins in the violent unrest and activism of that monumental time for Isla Vista.¹⁴⁰⁰ By 1980, having developed from the post-riot activism in Isla Vista, the IVRPD had become the largest landowner, holding the

¹³⁹⁹ ZIEGLER-McPHERSON, *supra* note 124, at 19. The author outlines how Ray had visited and enjoyed recreational activities in the immediate area around Isla Vista since he was a boy, fishing and camping off the adjacent Coal Oil Point.

¹⁴⁰⁰ LODISE, *supra* note 1106, at 155.

property in perpetuity as a common good. Redefining the 1/2-mile square hamlet from its violent deterritorialization, the IVRPD carried forward an attempted pre-modern reterritorialization, relying on a vernacular linguistic reconstruction of the primarily unregulated urban environment.

D.4.3.2. Decoding of Territory for Equity

There are three points of equity-seeking territorial decoding that have occurred in Isla Vista as a result of the IVRPD's UAF as it has been realized. The first major revelation has been that limited municipal self-government at the hands of students or short-term residents does not necessarily result in futility. In fact, the student residential population who has historically made up the majority of the electoral body in Isla Vista has consistently carried forward the work of the special district for forty years, providing meaningful recreational resources for the community's common good. At the time that the IVRPD was formed, a body of homeowner's expressed clear apprehension at the notion of a "park district ... controlled by radicals who did not pay taxes nor cared about those who did."¹⁴⁰¹ This fear in practice has proven unfounded as *all* the residents have created together an exemplary minimalist government body to manage the District's decentralized landholding for expanded recreational and social services in the community.

A second revelation concerns the residents themselves. Nicki Arnold notes in her *Isla Vista's 25 Things* that the nature of the community changes quickly and often,¹⁴⁰² perhaps reflecting a basic attribute to a community ideologically grounded in liberalism. Nearly 40 years ago, the self-appointed "revolutionary" activists had hoped to create a "liberated zone" in Isla Vista with city incorporation; as the community has changed, this movement has proven to lose its capacity to reflect ongoing political desire. Instead, Huxley's rhetorically suggested "ethic for nature" has sustained in Isla Vista. For many of the students of UCSB, Isla Vista today represents the values Carter Ray envisioned for the region when he grew up fishing and camping on the local shores of Coal Oil Point.

Reflecting an eternal *recreational* viewpoint of environmental stewardship, conserving natural resources for Isla Vistans assumes a relatively high degree of interaction with said elements of the natural world. Oceans that are protected from spills are to be fished, surfed and kayaked. Open spaces that are preserved for vernal pool restoration are to be hiked, checked from afar, and photographed. Cliff-side properties on the bluff are preserved for swings, football games

¹⁴⁰¹ ZIEGLER-McPHERSON, *supra* note 124, at 24.

¹⁴⁰² Arnold, *supra* note 1079.

and as access points to the beach below. With such a high density of young people in one naturally beautiful place, there is a collective and continual search for new, outdoor experiences in the spaces that are available.

The final revelation regarding territorial decoding centers on the relationship of Isla Vista as a single community and its relationship to the adjacent UCSB. As a major employer and magnet for intellectual prowess for the region, the UCSB continues as the dominant economic and cultural power over Isla Vista today. In Strand's history of Isla Vista, she closes her analysis of the development of the student hamlet with the following:

The one local force that may have been powerful enough to force community consideration of the effects of essentially unregulated growth in Isla Vista, the University, was itself too internally focused on its own goal of rapidly attaining world-class university status to attend to community needs.¹⁴⁰³

It is clear that without appeal to the University's own self-interest, Isla Vista's poor urban character can not be addressed in a meaningful manner. At the point at which the IVRPD was created, the University was already desperate to turn back the poor press and negative national attention it had received during the riots. On June 5, 1970, the UC Regents met specifically to address the impact of the riots on the greater institution's ability to attract high-quality faculty, and on a deeper level, to question whether *future* teachers had already been arrested in their defense of counter-culture values.¹⁴⁰⁴ From 1970 until 1975, enrollment at UCSB significantly decreased even though the school was prepared for ever greater student numbers for instruction. Isla Vista's problems had crossed the "eucalyptus curtain" to impact the University's aspirations for global recognition. Quickly after the February riots, the University responded in a manner that best fit its own paradigm of appropriate development.

Further, it is important to remember the IVRPD was a product of student-faculty work at UCSB. When both the IVRPD and applications for city incorporation were developing in parallel, both the University and select County supervisors endorsed the Park District while openly opposing incorporation. The University lent the early Park District their own landscape designers for the development of Anisq' Oyo Park, a park facility many residents and local designers believed to be designed to control and disperse rioting crowds.¹⁴⁰⁵ Regardless of intent, the University's input and desires were clearly expressed in the early years of the IVRPD's development.

¹⁴⁰³ STRAND, *supra* note 1099, at 259.

¹⁴⁰⁴ Judd, *supra* note 1085, at 125.

¹⁴⁰⁵ ZIEGLER-McPHERSON, *supra* note 124, at 94. Here, Ziegler recants: "Early on in the park's actual development, Henderson's design came under attack from some residents who believed that the park was designed to easily manage crowds in a downtown riot. Prominent Isla Vistans, such as I.V. Children's Center Director Coleen Dougherty argued that

Today, the University continues to express the utmost authority in the fate of Isla Vista's built environment. Acknowledging that 40% of all UCSB students live in Isla Vista, University administrators have taken a greater interest in improving the conditions of the adjacent unincorporated community so as to encourage more scholarly pursuits.¹⁴⁰⁶ Further, as competition between the best public institutions of higher learning continues to elevate, the local residential offerings are becoming increasingly important to attract better students, faculty and administration personnel. In reflection of this newfound interest, in 1991 the County and the UCSB restarted redevelopment plans with a joint Isla Vista Community Enhancement Committee. This committee's resultant report then led to a joint agency planning process that included the County, UCSB and the IVRPD. Figuratively led by the County, the three agencies coordinated the creation of an Isla Vista Master Plan, releasing the document in its final form in August of 2007.¹⁴⁰⁷ This Master Plan was heavily referenced in the UCSB's 2025 Vision for Long Range Development, a document released in 2008 and ratified in 2010.¹⁴⁰⁸

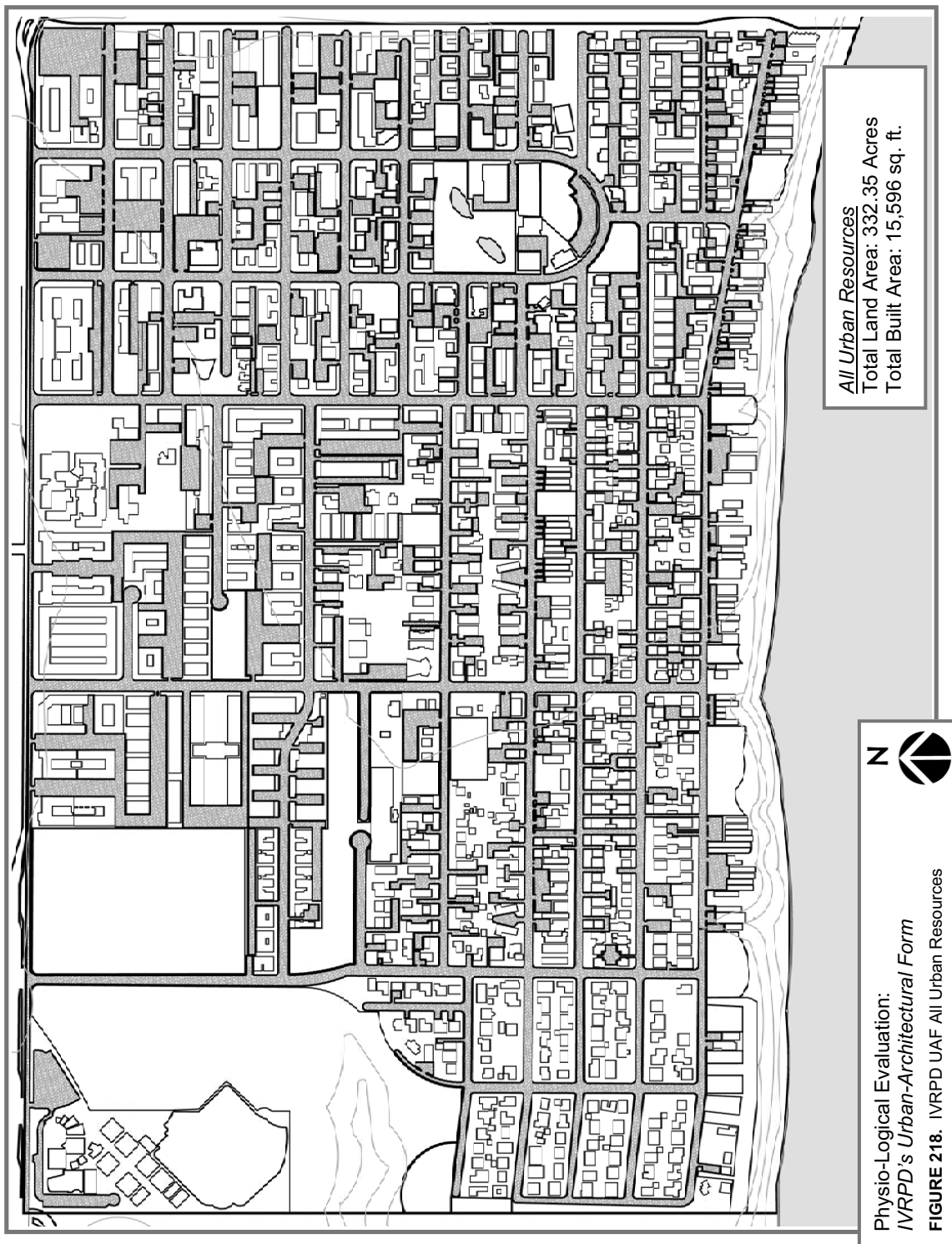
Regardless of the ultimate fairness of the current condition in Isla Vista, it is difficult to pinpoint any minority desire that has not been unrealized for the greater community. Of course every student would enjoy living within walking distance from the ocean with lower rents, or improved housing, or a better business district; but such universal and general desires do not amount to unconscionable exploitation. On the other hand, at which time a new collective desire does arise, the IVRPD has proven itself to be an adequate mechanism to receive, analyze and then enunciate such issues of concern to the greater dominant powers lording over their community. Immediately following are **FIGURES 218** through **233**, figures which graphically detail the results of the physio-logical evaluation and newspaper analysis of the Isla Vista Recreation & Park District.

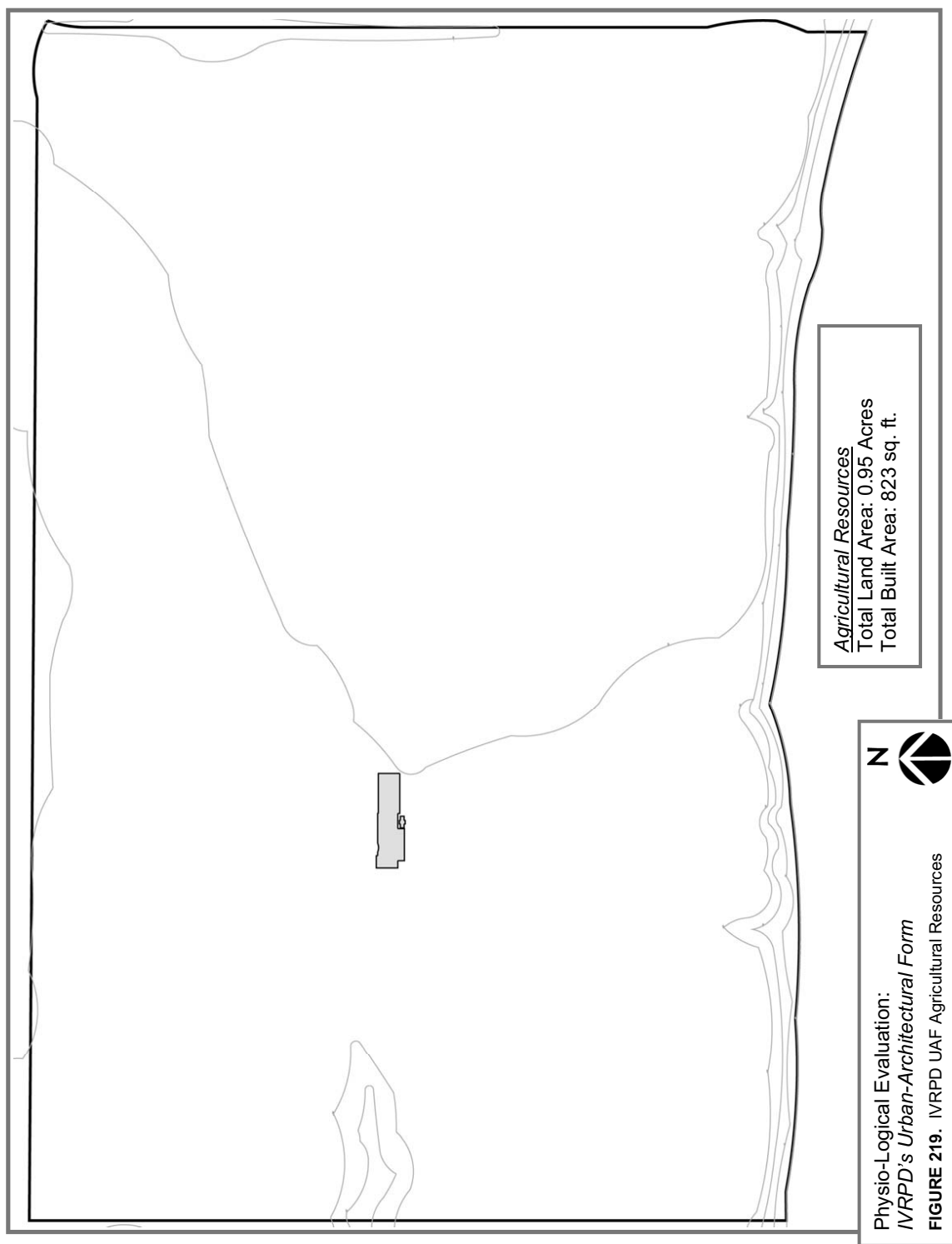
the pond was situated in the center of the park to help the police control people, while Santa Barbara City Park Planner and Landscape Architect Bob Cunningham suggested that the high berms that created the amphitheater could be used to channel people in the tight space between the pond and the berms into the waiting clubs of police. ... Although Henderson strongly denied the anti-riot design theories, he did acknowledge that the County had insisted that the park's paths be covered with gravel rather than brick, because pebbles made less effective projectile weapons. He insisted that the pond was located in the center of the park to better collect rain water run off from both sides of the park."

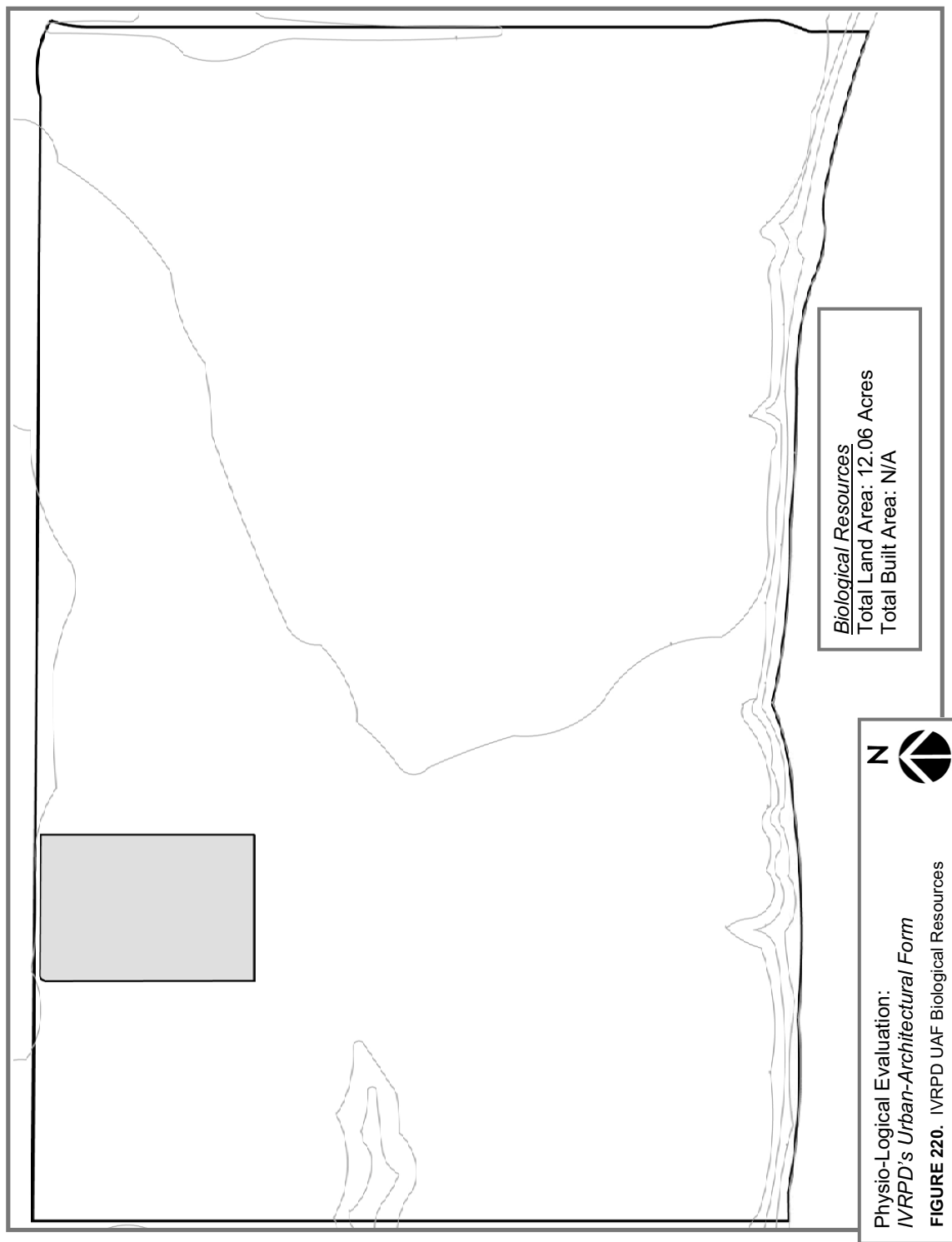
¹⁴⁰⁶ Vision 2025, *supra* note 1317, at B-11.

¹⁴⁰⁷ Isla Vista Master Plan, *supra* note 1315.

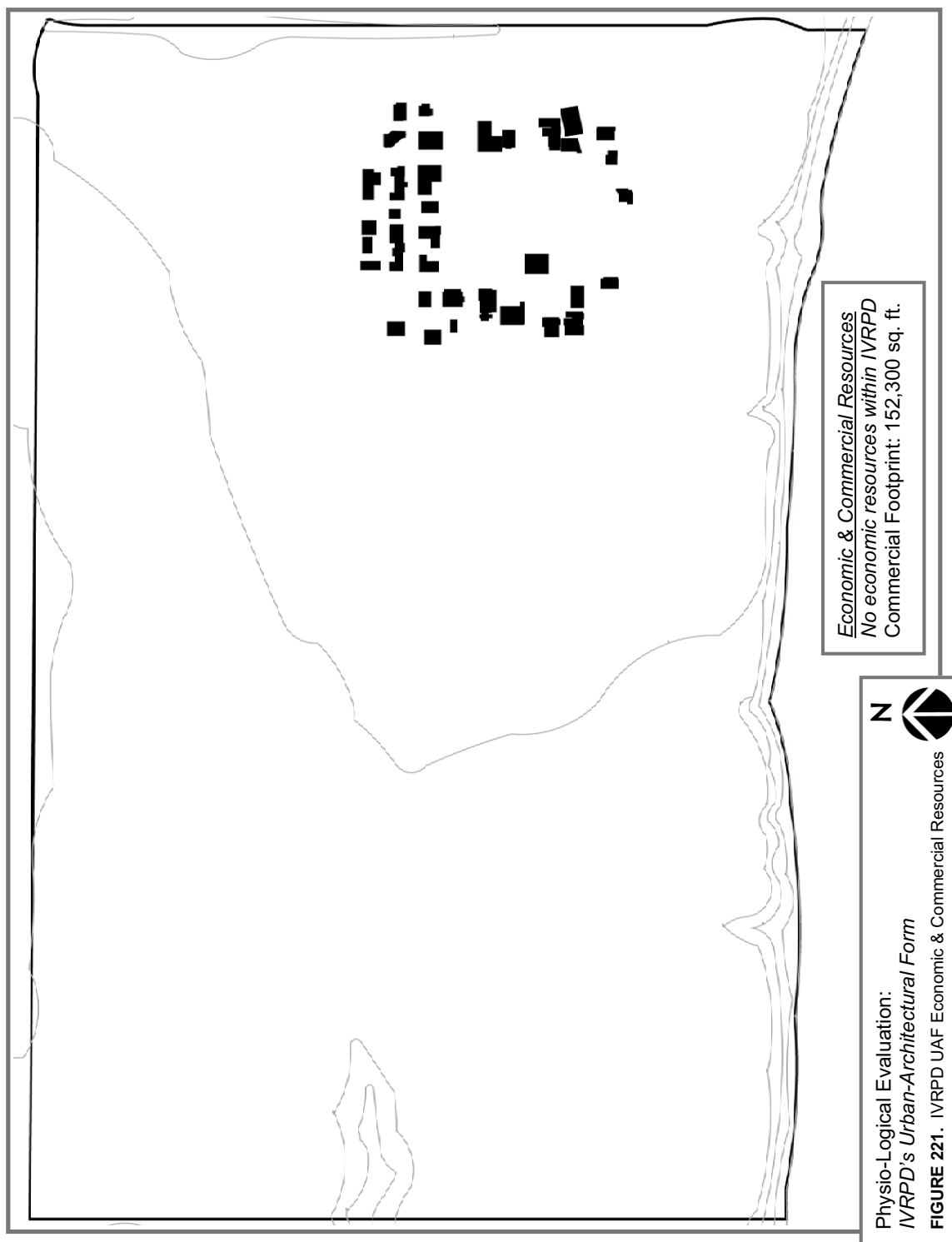
¹⁴⁰⁸ Vision 2025, *supra* note 1317, at B-4 thru B-7.

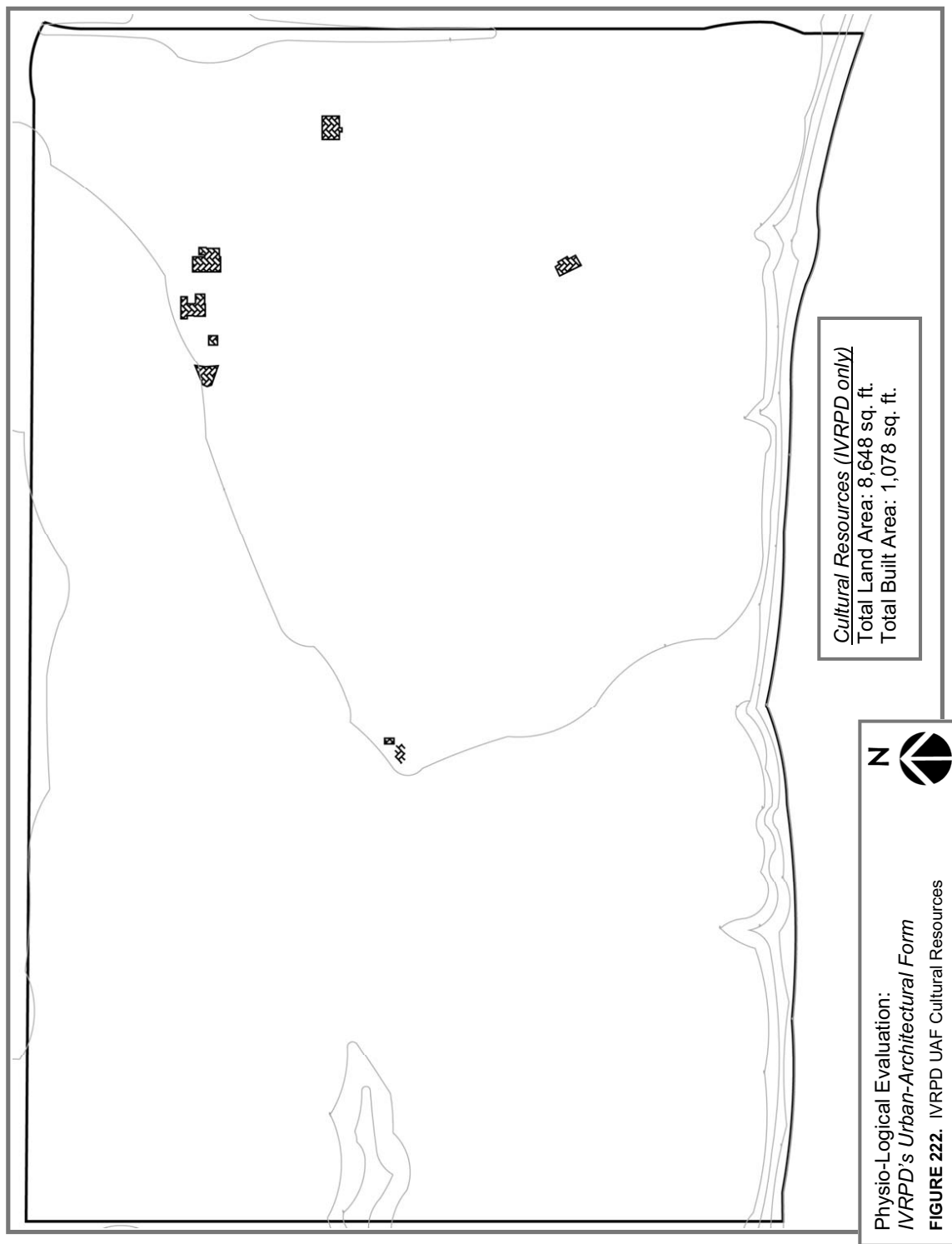


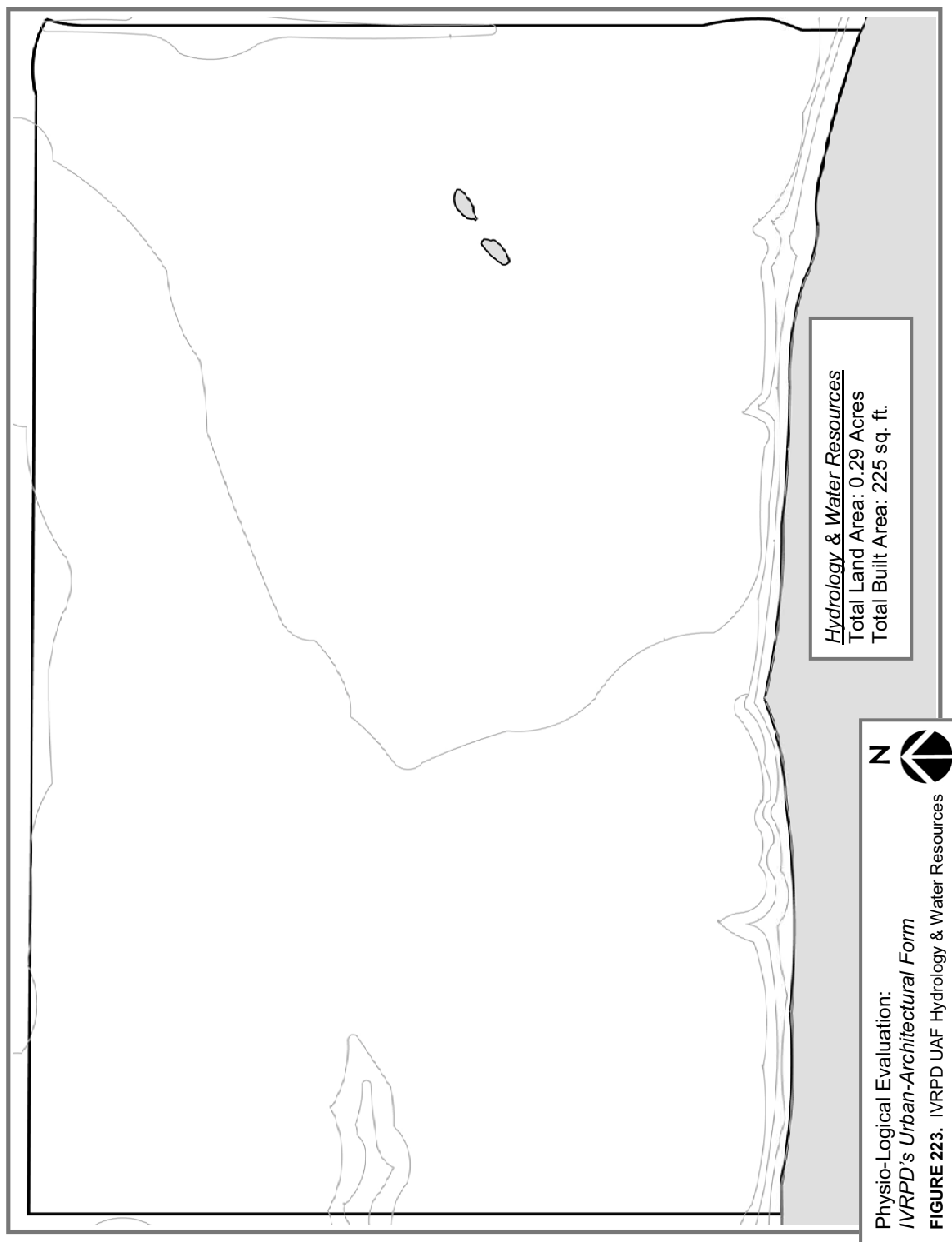


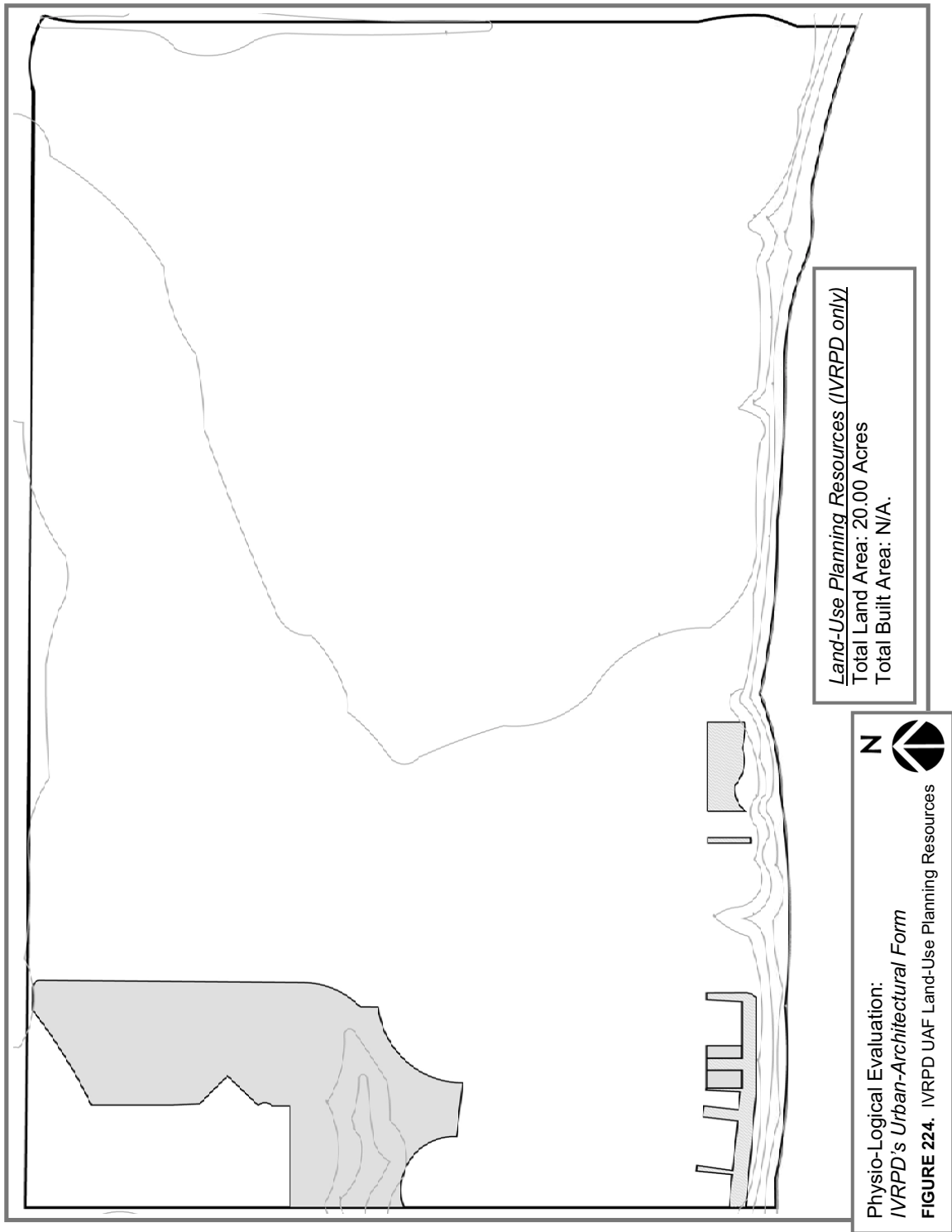


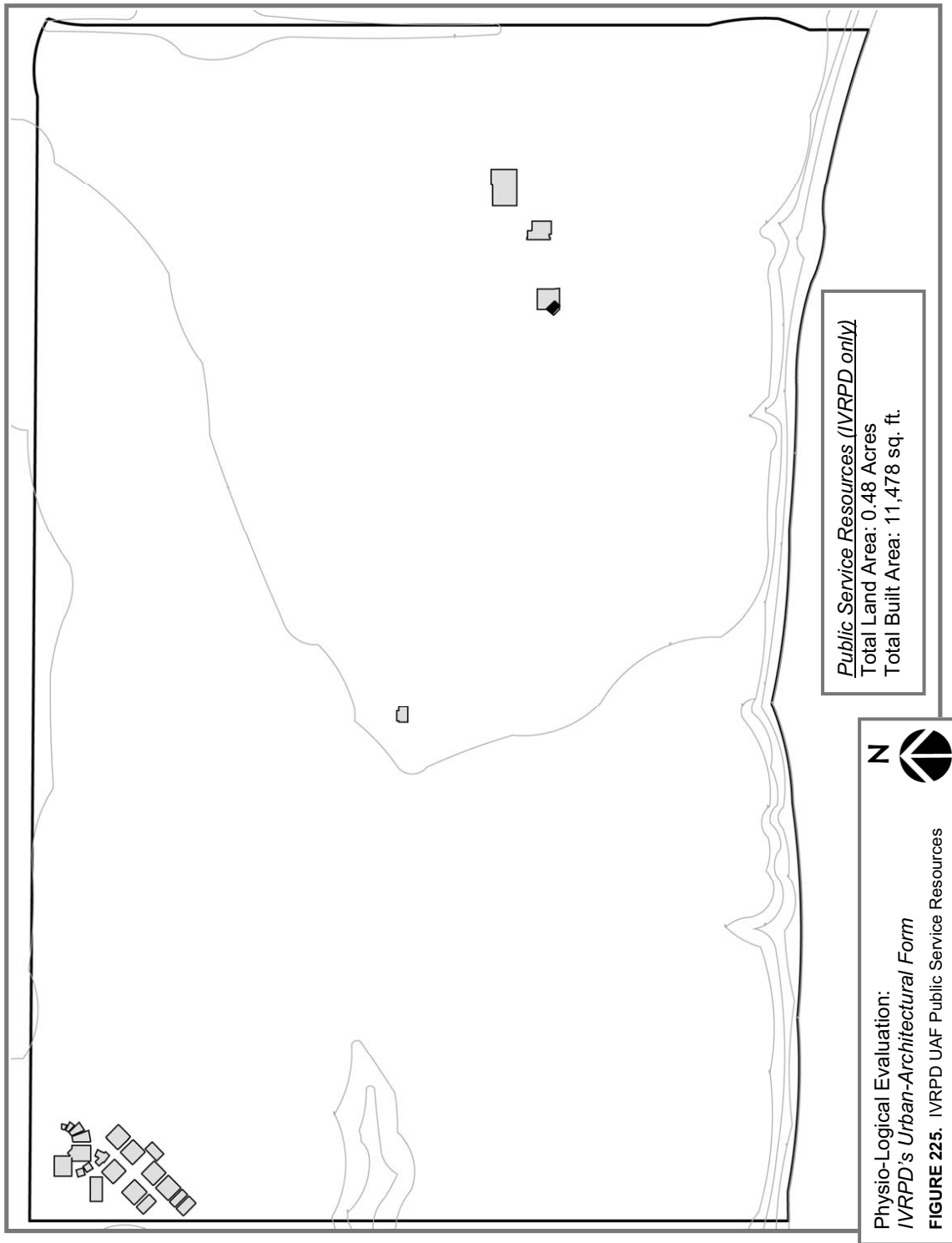
Physio-Logical Evaluation:
IVRPD's Urban-Architectural Form
FIGURE 220. IVRPD UAF Biological Resources

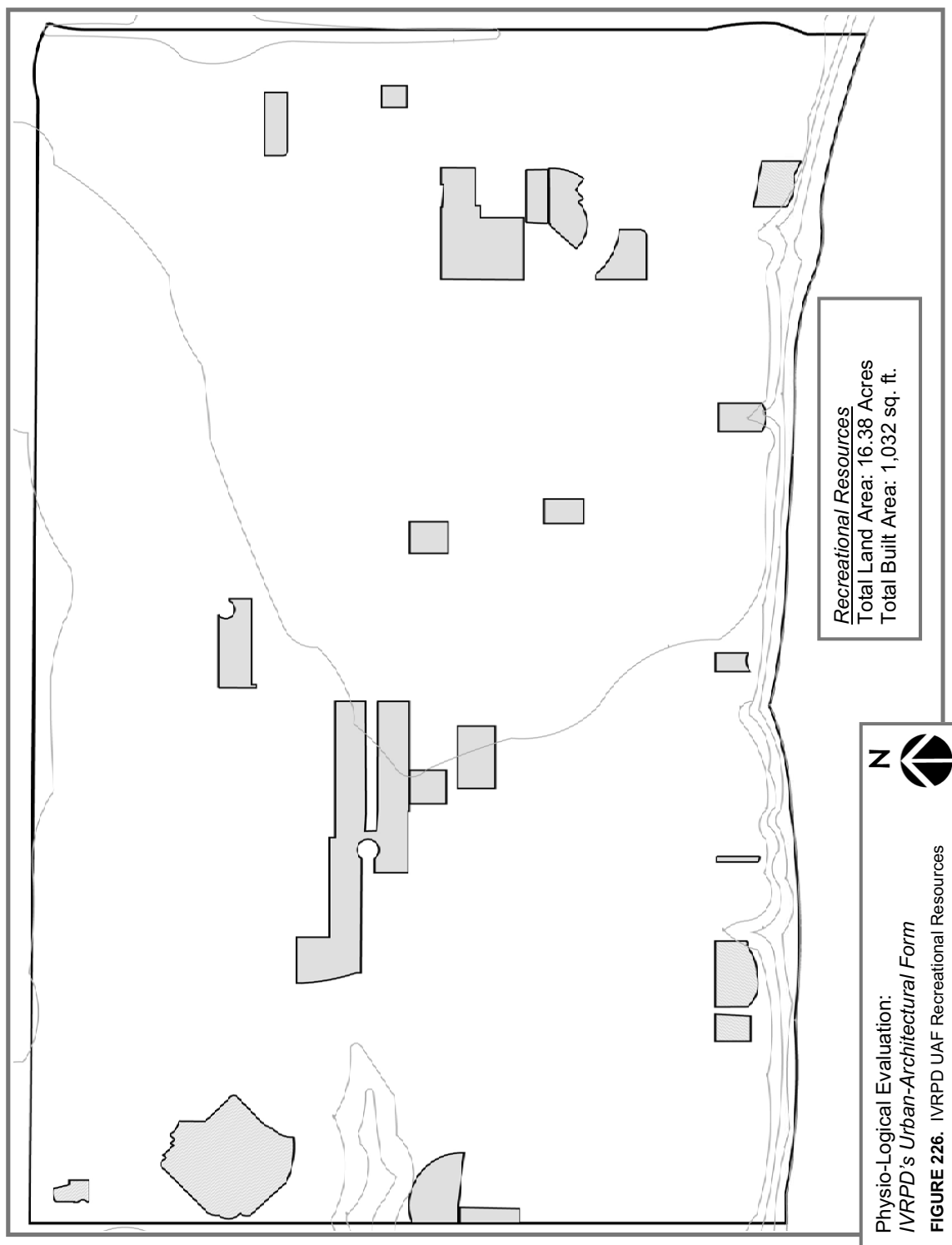


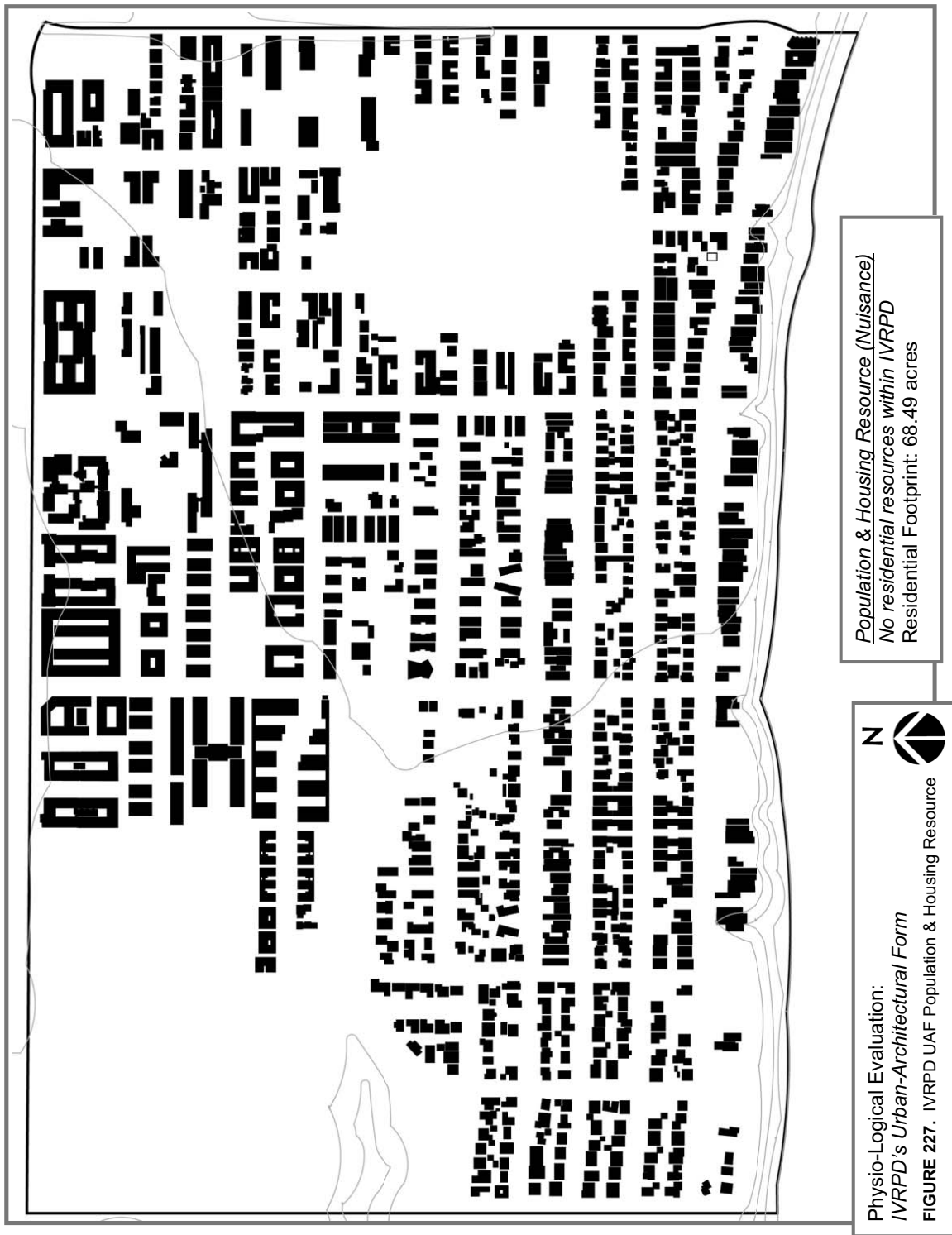


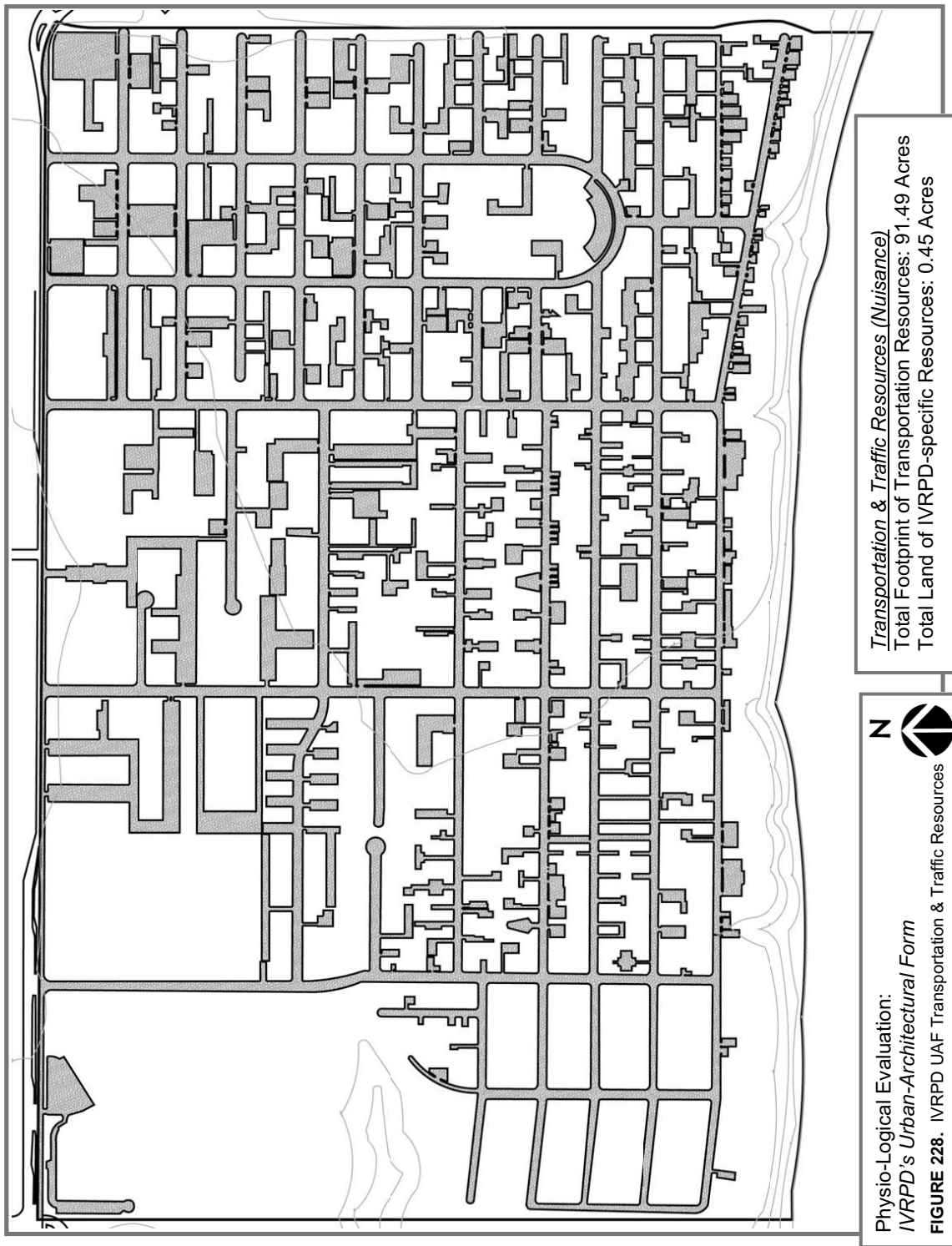












Isla Vista Recreation & Park District

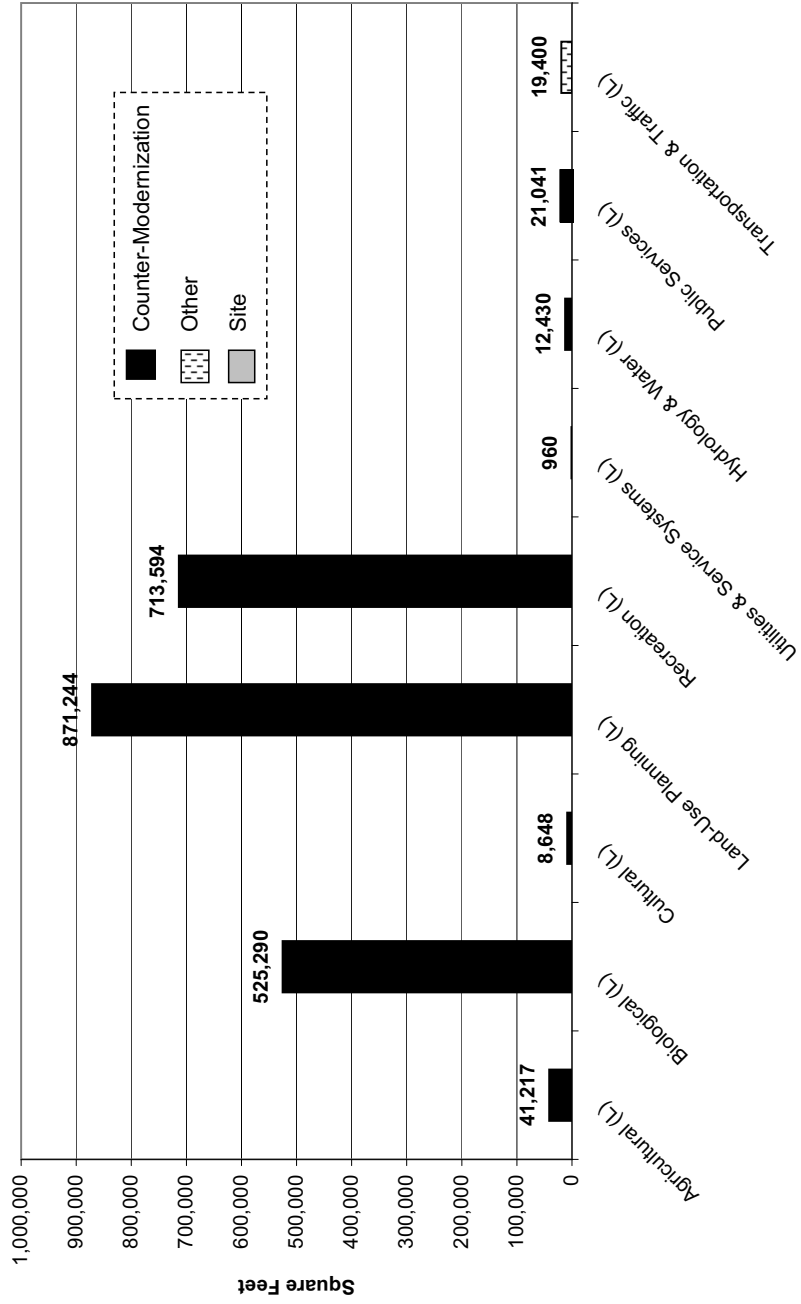


FIGURE 229. IVRPD Urban Resource Utilization

Isla Vista Recreation & Park District (Sq. Ft., Percentage)

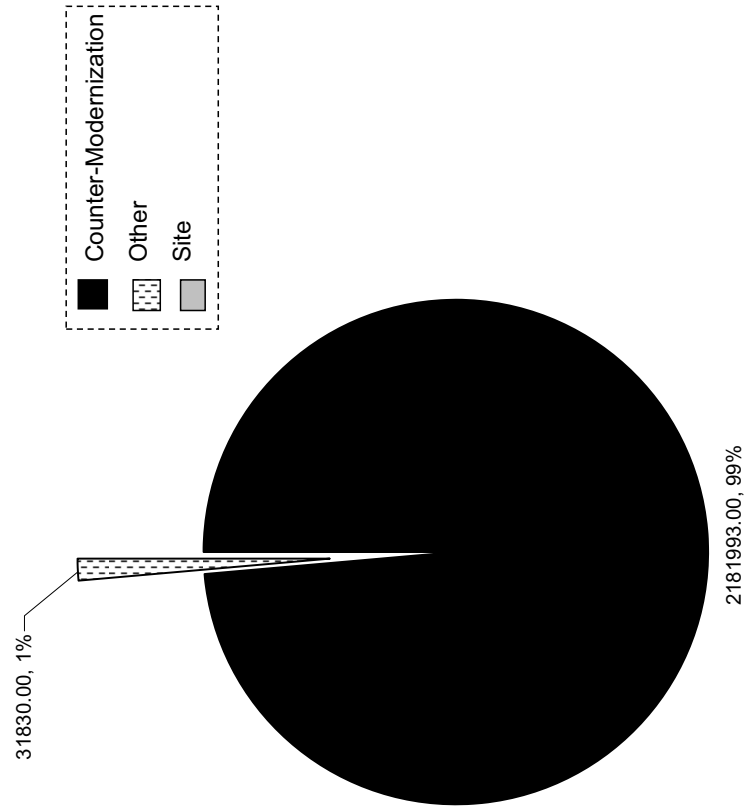


FIGURE 230. IVRPD Proportional Outlay of Urban Resources

Isla Vista Recreation & Park District - New York Times

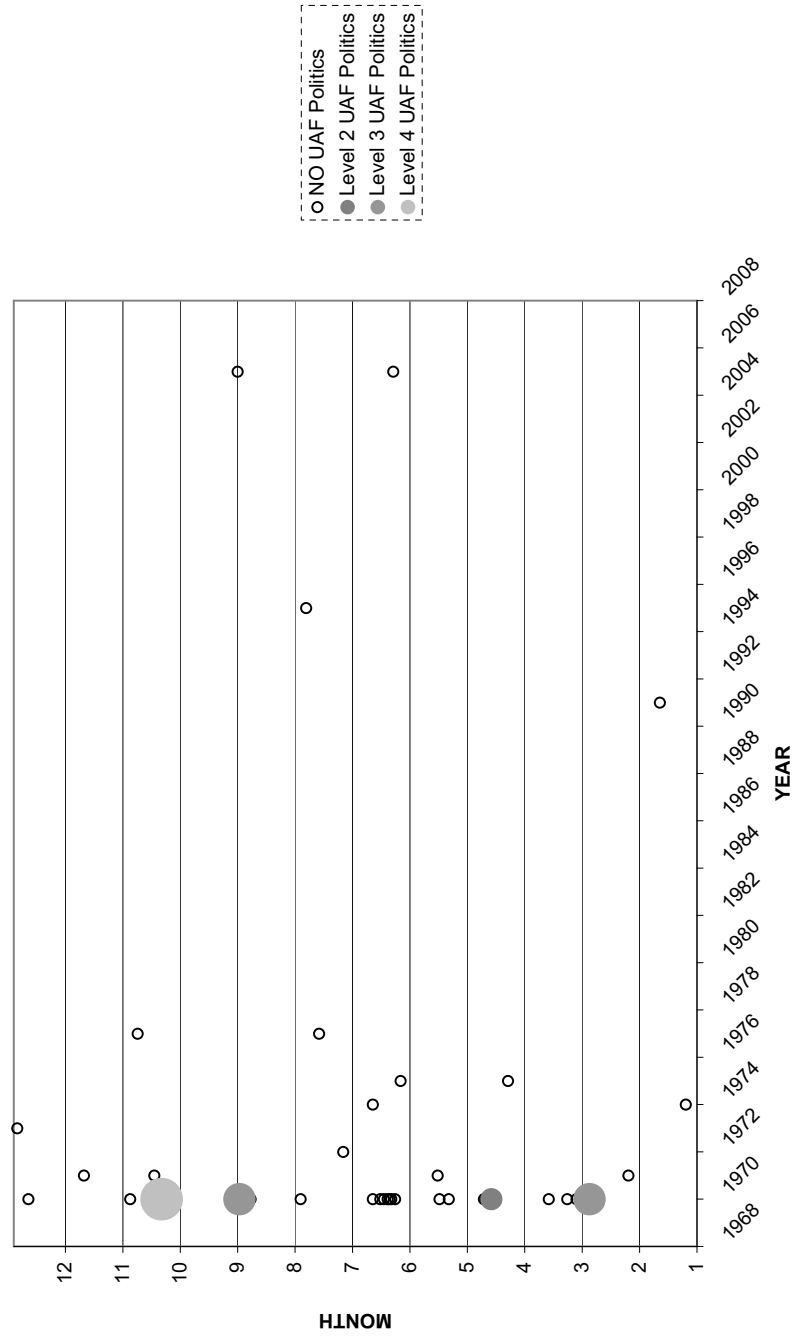


FIGURE 231. IVRPD: New York Times Analysis

Isla Vista Recreation & Park District - Los Angeles Times

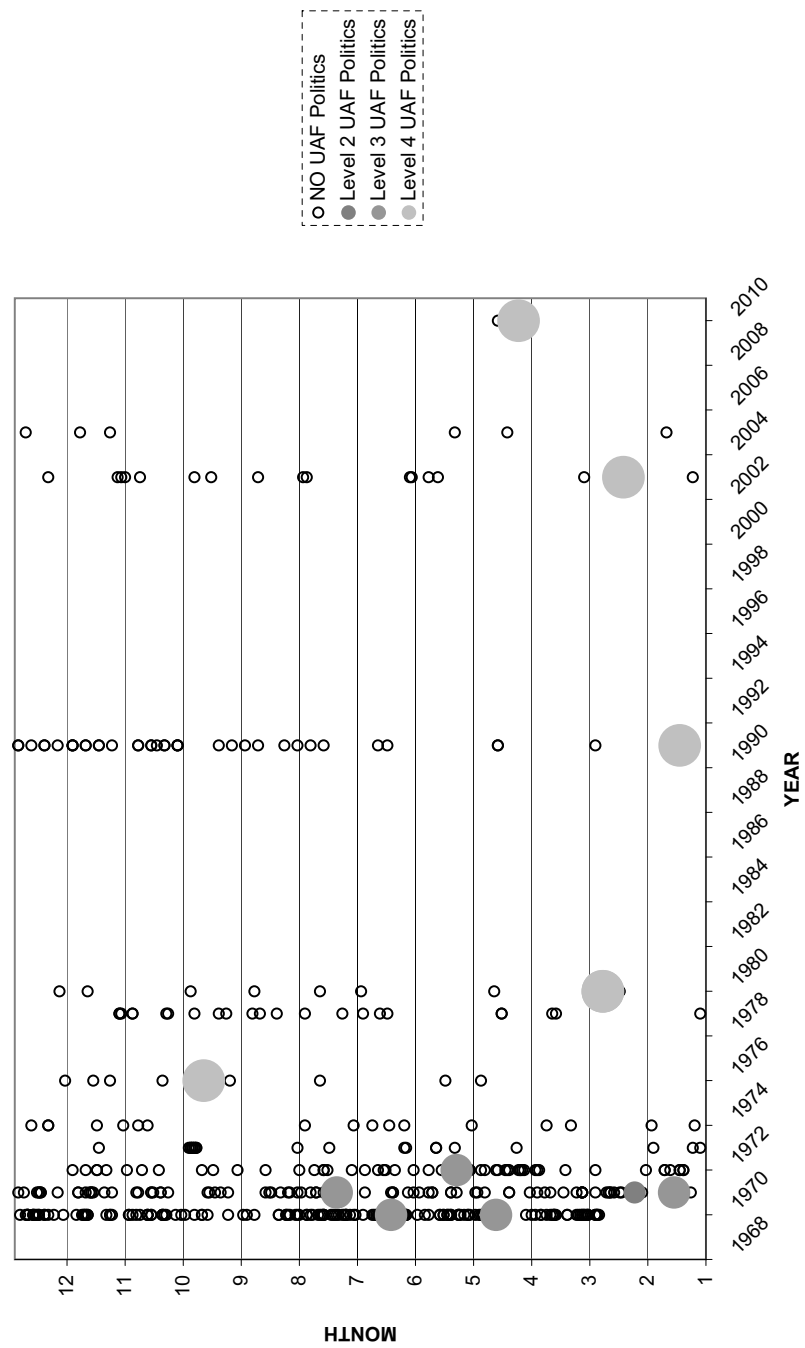


FIGURE 232. IVRPD: Los Angeles Times Analysis



(a) (ABOVE) This "Welcome to Isla Vista" sign placed at the main vehicular entrance to Isla Vista was installed at the same time as the original Perfect Park project by the JIVE organization in 1970. Image provided courtesy of Alan Mak (2005). (b) (BELOW LEFT) Logo of the Isla Vista Recreation & Park District featuring the Isla Vista Tree. (c) (BELOW RIGHT) Updated logo of the IVRPD, colorfully featuring the Isla Vista Tree as the focus of the trademark.



FIGURE 233. Welcome to Isla Vista

D.4.4. Results of Physio-Logical Evaluation

Two supplemental empirical studies have been undertaken so as to verify or negate the findings of the traditional historical-interpretive method of testing the IVRPD urban-architectural form. The first empirical study is a plan-based observation of the 22 properties owned and operated by the IVRPD in Isla Vista, California. All the land use and built expressions by the community have been categorized based on either the targeted responsiveness to the nuisance of global modernization [nuisance], its responsiveness to existing site conditions [site], or other services required of the urban-architectural form [other]. After categorization, land and built areas were tabulated for comparisons in terms of the purpose of built urban form. This categorization and tabulation thereby allows for a legibility of the urban-resource expression as per communal aims, existing physical conditions, and other non-nuisance concerns (See **FIGURES 229** and **230**).

The nuisance of greatest importance concerning the residents of Isla Vista was in essence the over-vehicularization of the landlocked bedroom community. After the June 10th Perfect Park Sit-in, three major issues required resolution regarding the living conditions of Isla Vista. Those three issues included: 1. a police force that proved sensitive to the unique features of Isla Vista's population; 2. an improvement of Isla Vista's built environment; 3. a locally autonomous identity for Isla Vista, especially in terms of providing improved communal services for the resident population. Due to the success of the IVCC in creating the Isla Vista Foot Patrol, a police force proven to be on task at handling the unique crime features of Isla Vista, the latter two issues became the primary thrust of "nuisance amelioration" addressed by the IVRPD.

Of the total 320 acres of Isla Vista, the IVRPD has amassed nearly 51 acres of collective park, open and developed properties on behalf of the residents and landowners. Employing their charge to provide parks and recreational services, the IVRPD has in fact become a local "shadow government" in execution of a whole host of community services for this 1/2-mile square development, many times stretching the normal meaning of a "park district" beyond recognition. The total built area of the IVRPD's developed properties measure at 15,596 square feet, whereas the land area owned by the District for park activities measures at 50.65 acres. Both the built and land area represent nine resource categories including "Agricultural," "Biological," "Cultural," "Hydrology & Water," "Land-Use Planning," "Public Services," "Recreation," "Transportation & Traffic," and "Utilities & Service Systems." Of these, seven categories directly counter-modernize against the dominant culture's determination that (1) the residents of Isla Vista do not warrant an active part in the development of the built environment of which they reside, and (2) that Isla Vista should not be afforded a legitimate power in autonomously

providing municipal services from a locally elected body. Reflexive development against these determinations has resulted in 50.2 acres of urban counter-modernization on the properties owned by the IVRPD. These categories include “Agricultural,” “Biological,” “Cultural,” “Hydrology & Water,” “Land-Use Planning,” “Public Services,” “Recreation,” and “Utilities & Service Systems.”

The remaining $\frac{1}{2}$ acre (19,400 square feet) not accounted for in the measures of counter-modernization have been spent as ‘other’ categorical resources expenditures. This expenditure represents the parking lot in the cup of the Perfect Park at the end of the Isla Vista Loop. As detailed previously, this parking lot was built just a few years before the IVRPD purchased the park property’s site from the SAC. This parking lot is actually understood to contribute to the negative attributes of the built environment, but nonetheless, at present is too costly to remove.

In summary, after execution of the physio-logical evaluation of the properties of the IVRPD UAF, the resulting built environment is persuasive in convincing the observer that the development was undertaken so as to counter-modernize against the nuisance of over-vehicularization of the Isla Vista community. As nearly all the development (99%) on the IVRPD’s 22 properties has been devoted to redefining the remaining open spaces of Isla Vista in terms of resident needs, this vernacular district is validated as an urban-architectural form designed and constructed so as to counteract the acute real property nuisances suffered. Here, the IVRPD has overwhelmingly met the supermajority threshold required for confirmation of the UAF’s status as a product of minor architecture.

D.4.5. Results of Correlative Newspaper Analysis

A correlative newspaper analysis is the second of the two supplemental empirical studies undertaken so as to verify the findings of the historical-interpretive evaluation of the IVRPD’s urban-architectural form. Newsprint evidence was harvested from a comprehensive archive search of the NEW YORK TIMES and the LOS ANGELES TIMES. After all articles were collected, the evidence was organized and presented so as to verify or highlight inconsistencies as it concerns the findings of the case study. Entailed in the organization, a system of evidentiary coding was applied to all applicable articles that discussed both the marginalized population and the real property location they inhabited as directly referenced in the case study. Each article was reviewed for word phrase “triggers” or evidentiary “incidents” that, after tabulation, potentially express correlative relationships between the marginalized population, the built

environment, and reflexive developments by the marginalized population in response to the dominant culture's expression of global modernization.

TABLE 23. Verification of IVRPD Correlative Newspaper Analysis

5.3%	<i>Correlation between "home" of tested minor community and primary issue of political significance.</i>	
	0.091	New York Times
	0.015	Los Angeles Times
90.6%	<i>Expression of Nuisance</i>	
	1.000	New York Times
	0.813	Los Angeles Times
93.8%	<i>Expression of Minority Response to Nuisance</i>	
	1.000	New York Times
	0.875	Los Angeles Times
75.0%	<i>Expression of Equity Undertaken Due to Political Discourse</i>	
	0.750	New York Times
	0.750	Los Angeles Times
34.4%	<i>Expression of Representation Value in Newsprint</i>	
	0.250	New York Times
	0.438	Los Angeles Times
5.3%	FAIL	
	VERIFICATION OF CORRELATIVE NEWSPAPER ANALYSIS	

Restating prior sections, the nuisance of greatest importance to the residents of Isla Vista was the slum-like over-development of residential units with a neglectful approach to the provision of locally sourced municipal services. After surveying news stories over a time period beginning in February 1970 when the first major riot occurred and ending in mid-year 2010 when the survey was conducted. Over that forty-year period, 44 articles were published in the NEW YORK TIMES that included the words "Isla Vista," and 522 articles were published in the LOS ANGELES TIMES with the same word search. Of those 44 articles published in the NEW YORK TIMES, only four of them include the word "park" in any capacity. Of the 522 articles published in the LOS ANGELES TIMES, eight included the word phrase "Perfect Park," while another eight included at least one of the following words: "recreation," "park," or "district." In total, 16 articles met the selection process for correlation analysis.

After an itemized confirmation, the overlap of these word combinations allowed me to decipher out those articles concerning the issues of the residents of Isla Vista after the violent protests of 1970. With the NEW YORK TIMES, the regularity of concurrence between that paper's discussion

of Isla Vista and the community's park can be expressed as a 9% ratio of incidence. As for LOS ANGELES TIMES, that regularity of concurrence between the paper's discussion of Isla Vista and any of the words "Perfect Park," "recreation," "park," or "district" is expressed as less than 1.5% ratio of incidence. Overall, in combining the ratio of incidence of both the NEW YORK TIMES and the LOS ANGELES TIMES, there is a 5.3% ratio of incidence. This substantiates a significantly weak correlative finding that is well below the majority (50%) threshold required for newsprint validation (See **TABLE 23**). All articles meeting this correlative minimum have been graphically represented in **FIGURE 231** and **FIGURE 232**, respectively expressing the results of the review of NEW YORK TIMES and the LOS ANGELES TIMES. Symbols within the graphic representations have been developed to note the article's magnitude of relative reflection as it concerns the plight of the Isla Vista residents against marginalization and the use of the urban-architectural form in response to the nuisance of globalization.

These correlations were determined with a process of coding, whereby incidents of "nuisance", "response", "equity" and "representation" were flagged and tabulated. After tabulation a determination as to the political potency of each article was undertaken, whereby if there were no incidents in the selected article, that article would have a UAF Politics determination of "O." If the article had three of the four possible incidents, that article would have a UAF Politics determination of "3." Finally, if a single article had all four incidents, it would receive a determination of "4." This allowed for the creation of a scale from "0" – "4," a rating that is graphically represented and charted with all other sample articles based on the date of publication.

In review of the articles, it is apparent that violence sells newspapers as the number of articles was highest during the riots of 1970. In the NEW YORK TIMES, no mention of the IVRPD is ever made, and all references to any parks occurred during the period of the riots. As for the LOS ANGELES TIMES, the Perfect Park is not mentioned until 1972. Thereafter, the IVRPD is mentioned by name in their role of advocating for resident conditions in Isla Vista five different times in five different years including 1976, 1980, 1991, 2003 and 2010. In 1976, the issue concerned water supply allocation and this resource impact on community overcrowding. In 1980, a "look back" ten years after the riots is offered, highlighting the central role the IVRPD now plays in communal memory and newfound peace at Anisq' Oyo' Park. In 1991, the article in the LOS ANGELES TIMES mirrors an abbreviated one in the NEW YORK TIMES,¹⁴⁰⁹ both featuring the political hostility expressed towards UCSB after a 60% total increase in the campus's building

¹⁴⁰⁹ *Easing Tensions Between Town and Gown*, NEW YORK TIMES (Jan. 20, 1991).

footprint. Again, advocating for the residents in the over-vehicularized Isla Vista, an acting IVRPD director was quoted as saying:

[In regards to the UCSB development agreement with neighboring communities] That sounds nice on paper but it's already so awful here that what we really need is a rollback in campus enrollment... We're packed in here like rats.¹⁴¹⁰

The 2002 and 2010 articles both specifically highlight the role of the IVRPD in Isla Vista. In 2003, the LOS ANGELES TIMES article discussed the new Peace Monument placed in Perfect Park.¹⁴¹¹ The 2010 article was a discussion of the growing controversy regarding Isla Vista's own "Floatopia," whereby the IVRPD again was found necessary to advocate on behalf of the UCSB students' right to inventively recreate on the beaches of Santa Barbara County.¹⁴¹²

Looking beyond the low number of articles written about the activities within the district boundaries of the IVRPD, incidences of nuisance, response, equity and representation have also been tabulated. Of the four NEW YORK TIMES articles discussing "park" issues in Isla Vista, all of them report on the nuisance and early responses to over-development in Isla Vista (100%). Of the sixteen LOS ANGELES TIMES articles, all but one of them report on the nuisance of over-development in Isla Vista (94%). Of these sixteen, 14 of the articles detail collective responses to the nuisances experienced by residents in Isla Vista (88%). As it concerns the process of equity actualization for the Isla Vista residents in terms of perceived systemic wrongdoing, of the four NEW YORK TIMES articles discussing the "park," three of them report on efforts of equitable resolution involving agency beyond Isla Vista's internal methods of resolution (75%). Of the sixteen LOS ANGELES TIMES articles, fourteen as well report on such equity-seeking mechanisms outside Isla Vista's communal control (88%).

Finally, considering the limited number of articles addressing Isla Vista's substandard conditions, an overwhelmingly high number of such articles reflect the representational value of the Park District, including its earlier iterations prior to election formation on Halloween 1972. Of the four NEW YORK TIMES articles, one of the four (25%) names one of the IVRPD's precursor organizations, the "Perfect Park Homegrown Garden Society," as a militant group that literally

¹⁴¹⁰ William Trombley, *UCSB Deal Quiets Critics of Growth Education: The school agrees to improve roads and contribute to affordable housing*, LOS ANGELES TIMES, 3 (Jan. 14, 1991).

¹⁴¹¹ Veronique De Turenne, *Advocates for Peace Monument Say the Time is Right*, LOS ANGELES TIMES, B8 (Feb. 13, 2003).

¹⁴¹² Chawkins, Steve, *CALIFORNIA: Beach Party? Santa Barbara County says no; Officials, citing trouble at last year's Floatopia, plan to block access Saturday*, LOS ANGELES TIMES, AA3 (Apr. 7, 2010).

bombed the local National Guard Armory in Santa Barbara.¹⁴¹³ As for the LOS ANGELES TIMES survey, seven of the total sixteen articles expressed “representational” triggers (44%), the earliest of which discusses in detail the counter-cultural activities of the Food Co-op, the IVCC, and other park-tied revolutionaries.¹⁴¹⁴ Noting that “suspicion is a part of local life,” the author succinctly outlines the conditions and politics that plagued Isla Vista for at least the next two decades.¹⁴¹⁵

At first appraisal of the IVRPD’s correlative newspaper analysis, the findings paint a description of the Park District as performing ineffectually in enunciating the minority values searching for expression from the Isla Vista community. As the first decade of Isla Vista politics were consumed with the IVCC’s motive to create the “first semi-sovereign student state in the world,”¹⁴¹⁶ in contrast the IVRPD purposefully avoided controversy and attempted to conduct its developmental business without media attention. Further, the legitimate public agency functions of meetings, bonds, and electoral *politics* created a system to internalize minority enunciations within the IVRPD.

Rather than garner headlines, leaders within the IVRPD acted with recreational programs that included a wide range of non-recreational social services, i.e. the homeless shelter, food programs, English as a Second Language programs, recycling, and endangered species biological reserves. Further, where conflict between the greater dominant powers and the residents of Isla Vista flares, the IVRPD is consistently on record as an advocate for Isla Vista residents. Here, although there is very limited verification of the findings of the historical review and the counter-modernizing resource allocation, the verification that exists from the newspaper correlative test proves positive for the given findings.

D.4.6. Conclusion: Pass or Fail

PASSING. At present, it is difficult to adequately evaluate the success of the IVRPD in enunciating the minor desires of the residents of Isla Vista. Since the mid-1990s, the organization itself has largely professionalized at the same time the dominant interests have openly supported the organization in its endeavor to ameliorate the over-developed conditions of

¹⁴¹³ *Coast Bombing Tied to Revolutionaries*, NEW YORK TIMES, 11 (Oct. 10, 1970).

¹⁴¹⁴ Art Seidenbaum, *Meanwhile, at Isla Vista*, LOS ANGELES TIMES, W7 (Jan. 17, 1971).

¹⁴¹⁵ *Id.*

¹⁴¹⁶ *Id.*

Isla Vista. In spite of the respite, the residents of Isla Vista are no less locked in a position of perpetual vulnerability, a condition that is as true today as it was in 1970.

Today's Isla Vista houses more immigrant families and working class residents that cannot afford the cost of living imposed by the slow-growth "elites" of Santa Barbara.¹⁴¹⁷ Faced with choosing between "creating a governmental structure or turning I.V. into an armed camp,"¹⁴¹⁸ in the mid-1990s many of the dominant powers lording over Isla Vista began to side with creating a grander municipal structure for Isla Vista. In reaction, the property owners unified against such measures, and instead, have continued to begrudgingly support the IVRPD as the Park District is seen as an adequate compromise for those vested in the inter-interest fate of Isla Vista's built environment.

From an academic perspective, the continued fight over incorporation has distracted those living in Isla Vista from recognizing the true novelty their community exhibits in its unique application of the Park District. Beyond Isla Vista's utilization as a regional one-stop supply of affordable housing, the residents of Isla Vista are geographically adjacent to both the primary intellectual center (UCSB) and the primary natural attraction (beach) for the County. Here, recreation is a legitimate constructive source for communal solidarity, and in expression of that basic truth, the Park District provides a practical foundation for maintaining the utmost in liberal governance. In other words, the Park District provides the inter-interest truce necessary to both keep the peace and sound the reactive minor alarms when exploitation occurs.

Further, it is ironic that Isla Vista has adequately maintained its own local services provided by the IVRPD while the rest of California suffers fundamental changes in the make-up of their municipal structure. The truce laid between the political interests impacting Isla Vista has as well buffered the community from economic redefinition handed down from the State Capitol in Sacramento. In Governor Jerry Brown's State of the State speech delivered in January of 2012, the Governor addressed this dramatic redefinition by stating:

¹⁴¹⁷ The slow-, or rather *no*-growth initiatives of the region are a combination of both elitist and environmental precautions against fundamental change in the character of Santa Barbara, Goleta and the County. See Trombley, *supra* note 1410, at 3. Trombley's article hints at the poor relations between adjacent communities and the local UC campus, noting a "neglectful" attitude that has emanated from UCSB since the riots in 1970. Here, it is also exhibited that Isla Vista has become the go-to resource for affordable residential capacity in the greater Santa Barbara community. See also ZIEGLER-McPHERSON, *supra* note 124, at 288, where she lays out the divide between the affordability of packed living in the apartments of Isla Vista and the R-1 homeowner's neighborhood where many of the District's employees "dreamed of owning a house in the West End." See also STRAND, *supra* note 1099, at 258, where she outlines how the act of limiting growth can conflict with an individual's right to live in a given place, stating flatly that "self protection bumps up against individual rights and individual rights bump up against elitism."

¹⁴¹⁸ ZIEGLER-McPHERSON, *supra* note 124, at 236. Here, the author is quoting the DAILY NEXUS, Thursday, October 15, 1992 *Report Tells I.V. to Seize Control*.

Those who believe that California is in decline will naturally shrink back from such a strenuous undertaking [to rebuild the economy in 2012]. I understand that feeling but I don't share it, because I know this state and the spirit of the people who choose to live here. California is still the Gold Mountain that Chinese immigrants in 1848 came across the Pacific to find. The wealth is different, derived as it is, not from mining the Sierras but from the creative imagination of those who invent and build and generate the ideas that drive our economy forward.¹⁴¹⁹

This creative imagination to drive California's economy forward does not only involve the engines of commerce, but extends to the unique municipal arrangements that have historically created places like Isla Vista. Here, the various polar interests that define Isla Vista have found a reasonable solution without incorporation, in other words, without creating a dominant unifying deciding mechanism for the Isla Vista community. Instead, a dramatically smaller, non-dominant "in-between" vehicle has been charged to operate as a combination park service, land trust, and limited social service provider. But, in times of communal crisis, this relatively limited agency is redefined as the political platform to hash out redefinition of Isla Vista's unique liberal identity, an identity specifically manifest for maximum individual freedom. Applying to this uniquely political function of the IVRPD, Deleuze and Guattari describe Kafka's method for minor literature in the following manner:

How many people today live in a language that is not their own? Or no longer, or not yet, even know their own and know poorly the language they are forced to serve? This is the problem of immigrants, and especially their children, the problem of minorities, the problem of minor literature, but also a problem for all of us: how to tear a minor literature away from its own language, allowing it to challenge and making it follow a sober revolutionary path? How to become a nomad and an immigrant and a gypsy in relation to one's own language? Kafka answers: steal the baby from its crib, walk the tightrope.¹⁴²⁰

The IVRPD has followed the charge of revolutionary sobriety. Having inherited the built language of the mid-1960's, the District has effectively torn away parcel by parcel from the existing built language to create a minor voice, to invent another way to build in an over-built, over populated district of vulnerable residents. At the time of the bank riots in 1970, Isla Vista held roughly 14,500 residents; by 1990, that figure was over 20,000. As the University continues to grow in both enrollment and status, the IVRPD must continue to invent revolutionary tactics to both satisfy and foil the built language it has been forced to serve. In essence, the District must continue to walk the tightrope (See **TABLE 24**).

¹⁴¹⁹ Jerry Brown, *Governor of California's State of the State Address* (Southern California Public Radio 89.3 KPCC, Jan. 19, 2012) <<http://www.scpr.org/news/2012/01/18/30850/what-he-said-full-transcript-gov-jerry-browns-stat/>>.

¹⁴²⁰ DELEUZE & GUATTARI'S KAFKA, *supra* note 29, at 19.

TABLE 24. Conclusion of IVRPD as Minor Architecture

SUBJECT TEST		PASS	Notes
Clear Nuisance	■		Resident exploitation by County, University & Landlords
Collective Expression	■		Isla Vista Recreation & Park District
Singular Linguistic Form	■		Vernacular
UAF		■	An UAF exists in the 22 IVRPD parks properties
Rhizomatic	■		Methods, locations and realized installations reflect a multitude of “entry points” and “expressions” in response to Isla Vista’s environment
Deterritorialization of Major Language	■		Reterritorialization of “left over” parcels of Isla Vista as residents search for indigenous local identity
Connect Individual to Politics	■		In furtherance of “maximum individual freedom,” recreation is found acceptable so as to politically address and provide for the common good of unincorporated Isla Vista
Enunciation of Minority	■		The IVRPD is performs as the sole advocate for resident rights against regional economic and cultural dominance
MINOR DESIGN		■	Minor design has been achieved in the IVRPD
Tetravalent Condition of Assemblage	■		IVRPD performs as the only locally-defined advocate for resident concerns while actively providing recreational programs and amenities for the common good
Decoding of Territory furthering Equity	■		As <i>the</i> limited local governance, the Park District exposes both the dominant role and neglect perpetuated by the State through one of its premier universities, the UCSB
ENVIRONMENTAL JUSTICE		■	Environmental justice is of primary concern of UAF
Resource Use Congruence	■		Overall employment of vernacular development to as response to over-vehicularization of Isla Vista
Overall Nuisance Response	■		Majority of development in reaction to nuisance
PHYSIO-LOGICAL VALIDATION		■	Nuisance of Isla Vista’s low-quality overdevelopment has been responded to with a supermajority of expression its remainder spaces to form a whole IVRPD UAF
NEWSPAPER VALIDATION		□	Primary nuisance & response to globalization is not verifiable since less than majority of newsprint is devoted to coverage of IVRPD in reflection of Isla Vista events
Minor Expression of Built Environment:			PASSING

D.5. EMERGENT CANNABIS COMMUNITY OF ARCATA

Case Abstract: Arcata, California, is located on what is considered the Lost Coast of California at the ideological heart of the Emerald Triangle. Telling of the primary agrarian industry of the region, “Emerald Triangle” is a nickname for the three counties that produce a hefty supply of emerald-colored marijuana so as to meet the growing domestic demand for cannabis in the United States. After a decade of environmental destruction and draconian drug-related law enforcement execution, Arcata has taken a civic role as a model of environmental stewardship, sustainable economic development and progressive marijuana tolerance. In order to do so, the City Council has been forced to openly resist not only federal efforts to enforce the United States Code, but to attempt to actively nullify portions of that code found fundamentally offensive to her citizens. In November of 2008, the City Council of Arcata passed a comprehensive marijuana zoning statute that literally layers an appropriate zoning mechanism for marijuana growing, processing and distribution over the entire urban land use plan. Unlike any other community in the nation, Arcata from the outset intends to manage the gray-market marijuana economy in spite of the fact that such efforts could potentially bring federal criminal charges upon the individual City Council members. Since the statute was passed, the zoning procedure and the community’s cannabis industry have been at a stand-still, unable to either continue the statute or nullify it due to uncertainty perpetuated from the federal government as to what enforcement efforts will be undertaken against growers, patients and the city administration itself.

Due to the infancy of this minor urban endeavor at political enunciation, the Emergent Cannabis Community of Arcata fails to satisfy any of the research tests applied to the circumstances of the case. Since the city-wide statute has been forced into instant dormancy, actual expressions of the new resistant urban-architectural language have not been realized. In essence, not a single building has been impacted by the new zoning code passed in 2008. This fact leads to a finding that the Deleuzean *Kafka* framework does not apply to this case as there is no collective expression, and without that built expression, there has been no enunciation of a minority body with architectural exercise. Further, as there has not been a single building realized there can be no urban-resource congruence to the given nuisance “complaint.” Finally, as there has been a healthy correlation as to newspaper reporting that couples Arcata with the marijuana legalization movement, this correlation by no means meets the majority threshold established as clearly persuasive. In spite of inadequately meeting the conditions of the research tests, the Arcata case is not a *failure per se* in proving the possibility of a minor architecture. As Arcata citizens have collectively acted to enact a clearly resistant urban policy against the dominant culture, this case merely exhibits the very early “roots” and “rhizomatic shoots” of an emergent minor architectural

expression, one which necessitates revisiting to fully acknowledge the eventual support this community affords this report's research question as to whether a minor architecture is possible.

Preface of Potential Bias: Unlike all other cases, I had no unique relationship to Arcata or the cannabis movement prior to undertaking this study that would pose an issue of bias. Like practically everyone, I have family and friends on both sides who have discussed their side of the marijuana legalization debate. In Northern California, there is a large contingency of the population who believe that taxing the “green” trade could be the silver-bullet to local funding problems. As of late, as I have developed a slight pro-legalization bias largely due to the fact that I have found that there is a large body of anecdotal evidence that targeted medicinal use of marijuana has a very positive impact on terminally ill and patients suffering chronic pain. Beyond this, I do not foresee any personal bias as it concerns the Arcata case study.

Since permanently moving to the San Francisco Bay Area of California, one issue has continually confronted our household when visitors come from out of state. One by one, eventually each traveler has inquired as to the quality of that “California Bud” of which they state is of great reputation in their local region. Over time, it was disconcerting to watch visitors wishing to experiment with the reputable stuff purchase cannabis on the black market while it was possible for me to do so legally. As I have suffered great anxiety over the course of researching and writing this dissertation, I became “legally green” and solicited a prescription for medical marijuana. After receiving such a prescription from a licensed California doctor, I was issued the Medical Cannabis Patient Identification Card shown in **FIGURE 234** and have since been able to purchase a small amount of this controversial product (*See* **FIGURE 238**) upon the survey trip to Arcata, California. In general, immediately following are **FIGURES 234** through **268**, figures which graphically detail the conditions of the Emergent Cannabis Community of Arcata case study.



FIGURE 234. Images Supporting Case Background: Arcata



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Prices: ALL Rx \$46.00 + tax = \$50 1/8 \$82.00 + tax = \$90 1/4 \$140 + tax = \$170 1/2 \$288.00 + tax = \$315 Oz	Guaranteed Satisfaction <small>(within limits)</small> We Serve All Qualified Patients & Caregivers With- in The City Limits of San Francisco.	MOST Deliveries occur within an hour. <small>(Definitely within two or \$10 off.)</small>	Free Incredible Edible with all deliveries before 2pm! <small>(No tipping please!)</small>
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AVAILABLE TODAY.

Indica/Sativa percentages are not scientific breakdowns, but our patient's best educated guess after testing.

Date printed: 05/08/10

Rx - Cherry Kush Skunk (100% Indica) This 100% Indica is exploding with flavor. This strain has a mesmerizing and intense high with an excellent flavor of sweet hash and cherries. The aroma is so captivating it is a must try Indica.

Rx - Cotton Candy (80% Indica) A sweet lasting Indica with a wonderful fruity fragrance. It offers good pain relief without the drowsiness.

Rx - Org. Cotton Candy Diesel (50% Sativa/50% Indica) Organically grown. This hybrid offers a pleasant head and body high and is very smooth.

Rx - SF Exotica (100% Indica) A great purple tasting strain without the color purple. Exotic Purple family. Will take care of all your pains.

Rx - G.D.P. (100% Indica) A heavy hitting Indica with that unforgettable purple appearance and taste that is certain to ease any pain. Munchies are sure to follow this well know favorite.

Rx - SF Dragon' Breath (75% Sativa) San Francisco Cannabis Cup Winner! Organically grown in SF. Nice and tasty blend of all around body and head high. This one is outstanding for both & pain and appetite stimulation, tasting similar to super silver haze with an amazing citrus after taste.

Rx - Headband (65% Sativa/35% Indica) This sativa dominant hybrid is uplifting and cerebral. It has a pungent smell and taste similar to lemon and diesel. It is very good for daytime use and concentration.

Rx - Hindu Kush Skunk (100% Indica) This strain has a mesmerizing and intense high with an excellent flavor of sweet hash and fruit. Organic option also available.

Rx - SF Ice (85% Indica) Organically grown in SF. This new strain is a special cross of Afghan, Northern Lights, Skunk and Shiva. It has a sweet taste and aroma with an uplifting, creative and relaxing high that will not put you on the couch. A previous winner of the Cannabis Cup.

Rx - Juicy Fruit (80% Sativa/20% Indica) An indoor strain, Juicy Fruit has a pleasant fruity taste. A Thai dominated Indica/Sativa cross of the highest order. Produces a rich, sweet aroma with a pleasant (not debilitating) cerebral high. Both sides of the Indica and Sativa spectrum are fully expressed in this strain. The sweet aroma comes from the delicious Thai.

Rx - SF Kali Mist (90% Sativa) Organically grown in SF. This lovely Sativa has a very smooth, clear, and energizing high. The buds look fluffy but are compact and work great against menstrual cramps. Also a good strain for calming nerves.

Rx - Lavender (100% Indica) A heavy hitting Indica with that unforgettable dark purple appearance and smooth hitting taste that is certain to ease your pains.

Rx - Lion's Gate (100% Indica) A nice relaxing body high that will help relax your muscles. The buds are big and the smoke is smooth and sweet like purple varieties.

Rx - Mad Science (80% Sativa)
A partly purple colored Sativa strain that offers a long lasting, cerebral high. Produces a rich, sweet aroma with a pleasant (not debilitating) cerebral high. Both sides of the Indica and Sativa spectrum are fully expressed in this strain.

Rx - Orion's Belt (80% Sativa/20% Indica) A very happy "anti" depressant. An Indica/Sativa cross of the highest order. Orion's Belt has a unique smell & taste. Sweet, fruity and tangy. The sweet aroma comes from a delicious Thai strain.

Rx - Purple Haze (80% Sativa/20% Indica) A nice tasty blend of all around body and head high. Great for both pain and depression.

Rx - Silver Haze (90% Sativa) Organically grown. This Sativa is dense and piney. Clean and up beat high. Great mood lifter!

Rx - SOMA A+ (100% Indica)
AKA Rock-Bud. Organically grown. Very nice heavy body high, sweet fruits with skunk undertone.

Rx - Org. Sour Diesel (80% Sativa) Organically grown. This strain offers a long lasting, energetic and cerebral high.

Rx - SF Sour Diesel (80% Sativa/20% Indica) Tastes great, long lasting energetic and cerebral high.

Rx - SF Sour Grape (50% Sativa/50% Indica)
A powerful combination of Sour Diesel and Granddaddy Purple. The buds are fairly dense with hints of purple throughout. With a taste and smell like sweet fruit, this one will not disappoint.

Rx - SF Sticky Icky (AKA) Afgooey (100% Indica)
Organically grown in San Francisco, this is a wonderful tasting strain that is sure to relieve any pain. A long lasting high that last for hours. Buds are very resinous and sticky to the touch. The strain lives up to the "sticky & gooey" part of its name as its so dense and sticky that it gooey-fies your grinder.

Rx - Super Blue (50% Sativa/50% Indica)
This hybrid is an uplifting and creative strain that is definitely a must try! Super Blue's superior taste and high gives it the right to be called "The Prince of All Blues". The taste and aroma are very fruity, with the signature blueberry taste. This variety produces a notable and pleasantly euphoric experience of top quality, and the buzz lasts a long time. Blueberry smoke will not put you to sleep, but it may make you forget what you were going to do instead.

Rx - SF Super Silver Haze (90% Sativa)
Organically grown in SF. This even head & body high has a menthol-pine & fresh alpine taste and smell. With large and sticky colas, this strain provides a high that is euphoric and long lasting.

All edibles \$7 each or 3 for \$20



THC infused Blueberry Craze Cookies **\$7+tax**
 THC infused Lemon Drop Cookies **\$7+tax**
 THC infused Tangerine Dream Cookies **\$7+tax**
 THC infused Chocolate Chip Cookies **\$7+tax**
 THC infused Oatmeal Raisin Cookies **\$7+tax**
 THC infused Peanut Butter Chocolate Chip **\$7+tax**
 THC infused Chocolate Walnut Brownie Cookie **\$7+tax**
 THC infused Chocolate Chip Oatmeal Walnut **\$7+tax**
 THC infused Health Nut Mix **\$7+tax**
 THC infused Medicated Lozenges **\$7+tax**
 THC infused Chocolate Chip Brownies **\$7+tax**
 THC infused Coconut Truffles **\$7+tax**
 THC infused Mint Truffles **\$7+tax**
 THC infused Peanut Butter Cups **\$7+tax**
 THC infused Soft Caramels **\$7+tax**
 THC infused S'mores Treats **\$7+tax**
 THC infused Hot Cocoa **\$7+tax**
 THC infused Tea bags (2 per pack)
 Chamomile, Green, Passion Peach, Mango
 Passion, and Pomegranate Green **\$7+tax**
 THC infused Butter 8 oz **\$25+tax**
 THC infused Creamy Peanut Butter 8 oz **\$25+tax**
 THC infused Olive Oil per bottle **\$25+tax**
 100% organic, 9 servings per container

Concentrates

Rx - Hash & Kief
 1/2 gram **\$15+tax**
 1 gram **\$25+tax**
 Rx - Hash Oil 1 gram **\$50+tax**
 THC Gel Caps 3 for **\$12+tax**
 THC infused Body Balm Small **\$15+tax**
 or Large **\$30+tax**
 Doc Green's Therapeutic Healing Crème
 Small **\$7+tax** or Large **\$24+tax**
 3.5oz Medical Cannabis Tincture **\$85+tax**
 8ml THC mint Tincture spray **\$20+tax**
 4ml THC mint Tincture spray **\$10+tax**
 Pre-Roll (Sativa or Indica) **\$10+tax**

Assorted Accessories

New! The Essential Vape \$90+tax
 Medicine Jars - Large **\$5+tax**
 Lollipop **\$5each**
 Green Cross Bic Lighters:
\$2 each or two for **\$3+tax**
 Clear Eyes (.2 oz) **\$3+tax**
 Orange Zigzags **\$2+tax**
 Yellow Lions of Judah **\$2+tax**
 Doob Tubes 2for**\$1**

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FIGURE 235. The Green Cross



KNOWING YOUR MEDICATION

SATIVA plants have less chlorophyll than the Indica counterpart.

Sativa has a higher THC content to Cannabidiol (CBD) ratio and offers a much more energetic type of mood. Sativa is used most commonly to elevate a depressed mood. Generally speaking, the sativa plant is the taller and lankier variety, reaching heights of over 5-6 meters. It is characterized by narrow serrated leaves and loose spear like flower clusters that can be extremely resinous.

Primarily the effects of Sativas are on the mind and emotions. In this regard they tend to be more stimulating, uplifting, energizing, and creativity enhancing. These benefits can be particularly helpful for the psychological component of many illnesses. Sativas are generally better for daytime use.

BENEFITS ASSOCIATED WITH THE SATIVA STRAND:

Reduces depression
Relieves headaches and migraines
Energizes and stimulates
Reduces awareness of pain
Increases focus and creativity
Reduces nausea
Stimulates appetite

INDICA has a higher CBD content to THC ratio and induces a more relaxing mood. This is a treatment for anxiety, pain, tremors and has many more applications. Indica is most commonly used to induce appetite. Indica plants are normally shorter and stockier plants, reaching 1-2 meters in height, and have wide, deeply serrated leaves and a compact and dense flower cluster.

The effects of Indicas are predominantly physical, although the relief of certain physical symptoms can have an emotional result as well. These effects can be characterized as relaxing, sedating and pain reducing. Indicas are generally best for later in the day or before bed.

BENEFITS ASSOCIATED WITH THE INDICA STRAND:

Reduces pain
Relaxes muscles
Relieves spasms
Reduces inflammation
Assists with sleep
Reduces anxiety and stress
Reduces nausea
Stimulates appetite
Relieves headaches and migraines
Reduces pressure inside the eye
Acts as an anti-convulsing agent
Reduces seizure frequency

However, many of today's strains have been cross-bred between the two, offering the benefits of both strains while reducing the lesser desired effects of the other. Please feel free to ask our staff about what may best help your condition.

POSSIBLE SIDE EFFECTS ASSOCIATED WITH MARIJUANA INGESTION:

There are some effects of cannabis that are not beneficial and can be diminished through awareness.

- Cannabis may cause dizziness while standing due to lowered blood pressure.
- Initial increase in heart rate / blood pressure may be problematic for those with heart conditions or severe anxiety.
- Cannabis may cause a decrease in coordination and cognition.
- There exists the potential for short term memory loss while medicated.
- There are no significant withdrawal effects when cannabis medicine is decreased or stopped. However, symptom relief will also be reduced or stopped.
- Effects vary from person to person.

SAFE USE OF CANNABIS:

- Do not drive or operate heavy machinery if impaired by cannabis. Indicas can be especially sedating.
- Cannabis mixed with alcohol may cause vomiting and nausea.
- Those receiving digitalis or other cardiac medications should only use cannabis under careful medical supervision.
- Heavy smoking with no harm reduction techniques may lead to respiratory irritation.
- When sharing joints or other inhaling devices, please hold them so lips do not touch the vessel of delivery.
- Beware of mold and fungi.
- It is illegal in the United States to possess cultivate or distribute medicinal cannabis under federal law.
- Choose organic cannabis when ever possible – especially for patients with compromised immune systems.
- Please be responsible and keep this and all medications out of the reach of children and pets. Smoke from Cannabis products contain chemicals known to the State of California to cause cancer.



FIGURE 236. Knowing Your Medication

Stephanie A. Higgins, MD

Physician Recommendation for Therapeutic Cannabis State of California

California Health & Safety Code S S1 11362.5, Compassionate Use Act of 1996

Patients Full Name: Bradley Earl Angell

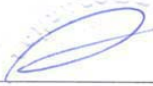
After reviewing this patient's medical history and pertinent medical records, it has been determined by me, the physician, that this patient may legally use cannabis within the state of California. Such use of cannabis is for this patient's relief of symptoms associated with a medical disorder, as the patient has not been able to find an acceptable alternative treatment for specified medical conditions. As the physician issuing this recommendation, it is my opinion that this patient's use of cannabis is to improve quality of life and *its use is not for a euphoric effect, nor to satisfy a craving.*

This patient understands that the use of cannabis remains illegal under Federal Law and that neither the physician nor the physician's associated midlevel practitioners have indicated otherwise. This patient understands that it is the responsibility of the patient to remain informed of state and county laws within California regarding cannabis use and abiding by such laws. It is understood by this patient that this recommendation will expire within twelve (12) months from the date of issuance, unless stated otherwise. Additionally, this patient has declared under penalty of perjury that the information provided to Stephanie A. Higgins, MD is true and accurate to qualify for this recommendation. Providing Stephanie A. Higgins, MD false information and/ or illegally distributing cannabis will immediately result in suspension of this recommendation, thus making its issuance retroactively invalid. This is a recommendation for medical cannabis, not a prescription.

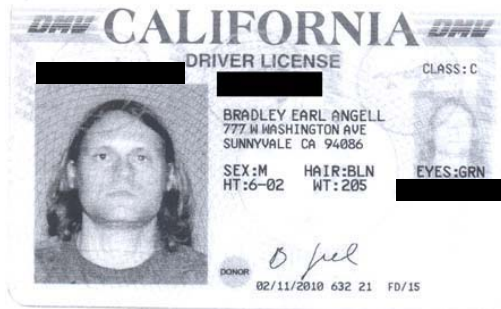
Medical Board of California:

California Medical License Number
A70849

Issuance Date: 8/28/2010
Expiration Date: 8/28/2011
ID#: [REDACTED]
Recommendation Number: 8609



Stephanie A. Higgins, MD



This patient's medical records are confidential and such records are only released to parties authorized by the patient with a signed consent. To verify this patient, log into www.belegallygreen.com, follow verification process or call 1888 4BLG 420

FIGURE 237. Physician Recommendation for Therapeutic Cannabis



(CLOCKWISE) (a) (TOP LEFT) "Redwood Cush" is a variant with strains of the "Trainwreck" native to Arcata, purchased at the Arcata iCenter. (b) (ABOVE) "OG Sour-head" purchased at the HPRC. (c) (BELOW) "OG Kush" was also purchased at the HPRC. (d) (BELOW LEFT) "Blue Thunder" purchased at the Humboldt Cooperative.

FIGURE 238. Medicine from Arcata

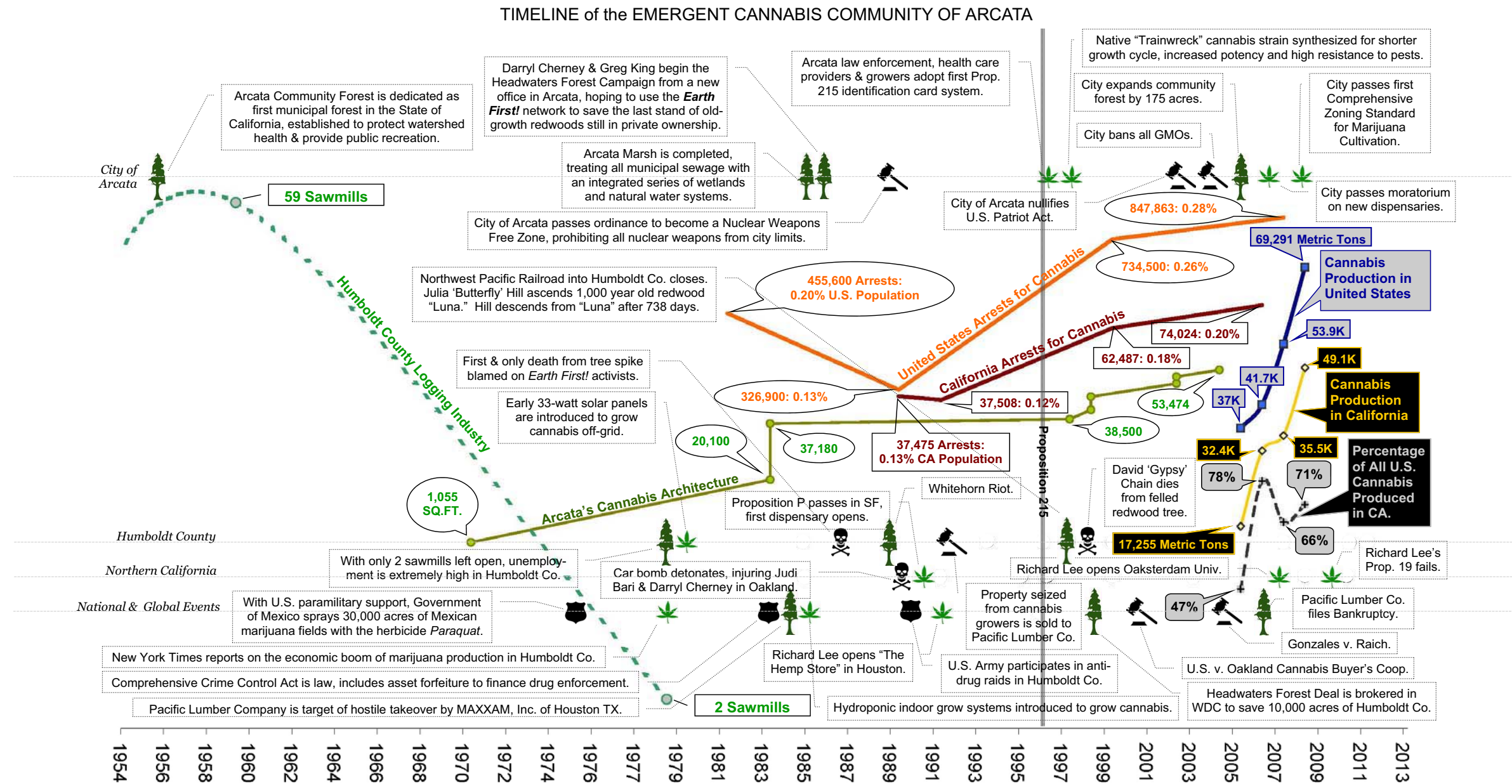


FIGURE 239. Emergent Cannabis Community of Arcata Timeline

[illegible]

684



(CLOCKWISE) **(a)** (TOP) Entry to Redwood Park, a community forest owned and managed by the City of Arcata. **(b)** (RIGHT) CAMP operatives hauling illegal marijuana out of Humboldt County. Image provided courtesy of the New York Times (1985). **(c)** (BOTTOM LEFT) Street art typical of Arcata, here sprayed on a curb across from Humboldt Hydroponics. **(d)** (BELOW) Arcata Marsh, a sewer treatment facility employing natural ecosystems. **(e)** (LEFT) Humboldt County Farmer's Market in Arcata showcasing locally grown agriculture.

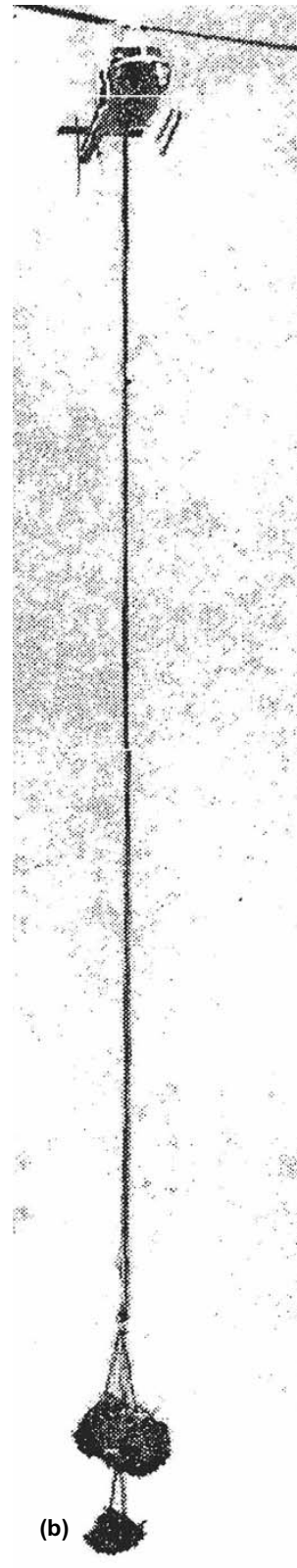


FIGURE 241. Images Supporting Narrative: Arcata



(a)



(c)

(CLOCKWISE) (a) (TOP) Mad River Beach Access, here shown with its moody & sublime character typical of the Lost Coast region. (b) (BOTTOM) The Humboldt California Association, Inc., Notation #1. (c) (LEFT) The Humboldt California Association, Inc., Notation #1. This cannabis co-op replaced a former car dealership and repair shop that closed in the 1990s.



(b)

FIGURE 242. ECCA (i)

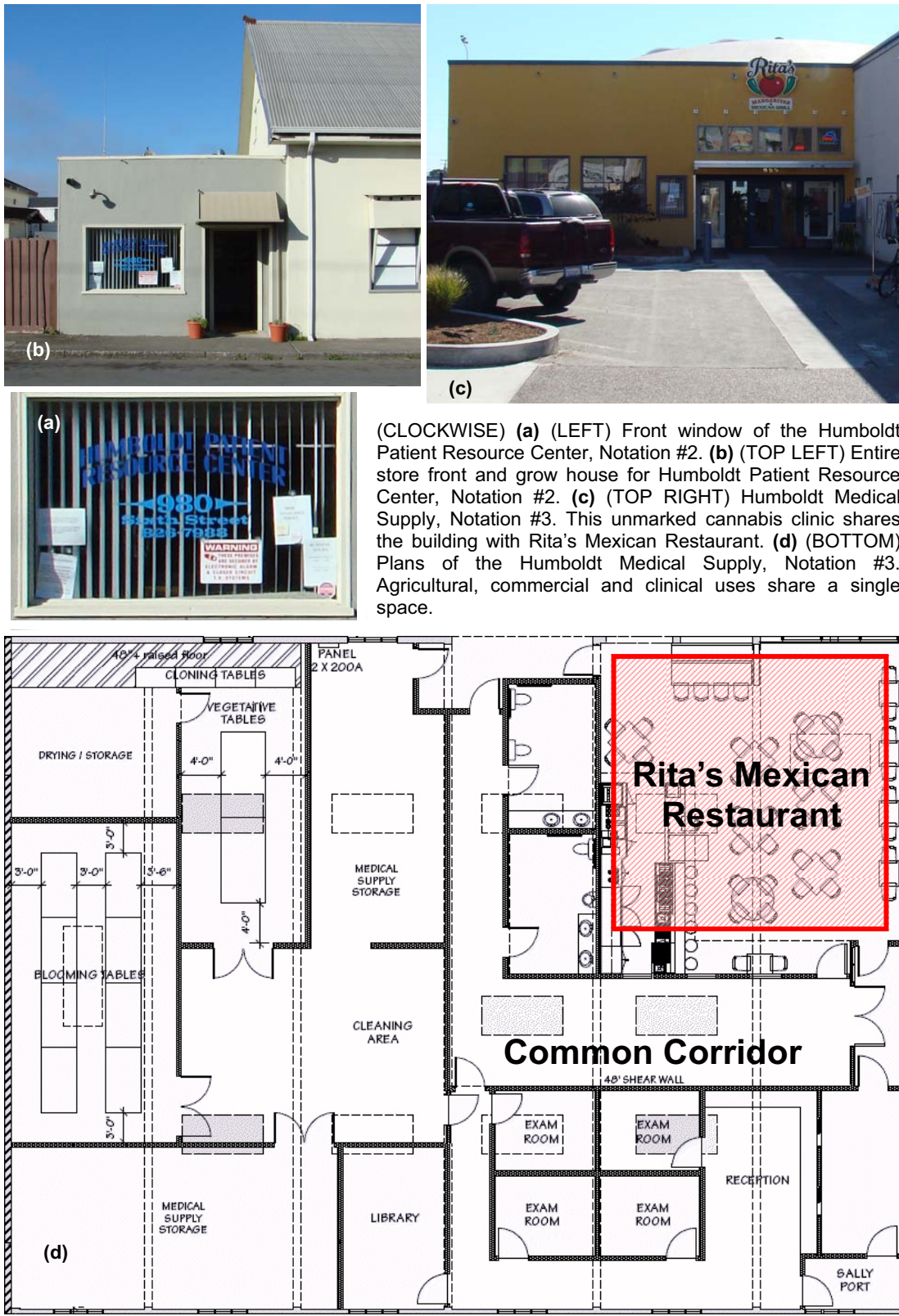


FIGURE 243. ECCA (ii)



(a)



(e)

(CLOCKWISE) (a) (TOP) Full view of Humboldt Medical Supply, Notation #3. On the corner is a flower shaped CCTV apparatus. (b) (RIGHT) Humboldt Glassblowers, Notation #5 (i). (c) (BOTTOM) Arcata iCenter, Notation #4. (d) (BELOW) Sign at entrance to Arcata iCenter, Notation #4. (e) (LEFT) Humboldt Glassblowers, Notation #5 (ii).



(d)

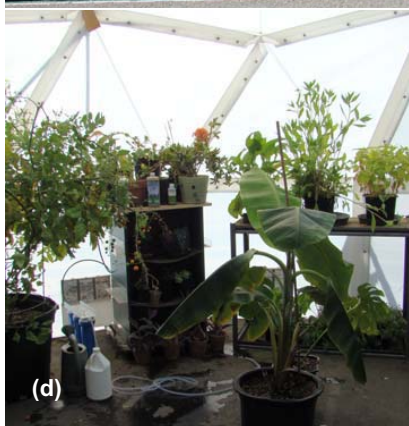


(b)



(c)

FIGURE 244. ECCA (iii)



(CLOCKWISE) (a) (TOP) Pacific Paradise, Notation #6. (b) (RIGHT) Hydroponic grow medium and liquid nutrition is the basis of contemporary indoor grow operations. (c) (BOTTOM) Humboldt Hydroponics, Notation #7, located adjacent to Humboldt California Association, Inc. employing old car showroom to sell hydroponic supplies. (d) (LEFT) New grow house membranes are stellar for cultivation while impossible for police surveillance without entry.



FIGURE 245. ECCA (iv)



(CLOCKWISE) (a) (TOP) Façade of Water Planet Garden Supplies, Notation #9. (b) (RIGHT) Extensive inventory of Water Planet Garden Supplies. (c) (BELOW RIGHT) Geodesic non-transparent grow house at Water Planet Garden Supplies. (d) (BOTTOM LEFT) Water Planet Garden Supplies employee demonstrates hydroponic system.



FIGURE 246. ECCA (v)



(CLOCKWISE) **(a)** (TOP) Façade of American Hydroponics, Notation #10. **(b)** (BELOW) American Hydroponics is located amongst a series of closed mills and lumber storage facilities. **(c)** (BOTTOM) American Hydroponics sits in the valley of a second-growth redwood forest. **(d)** (LEFT) Adjacent to American Hydroponics there are a series of test plots and greenhouses for demonstration and research.



FIGURE 247. ECCA (vi)





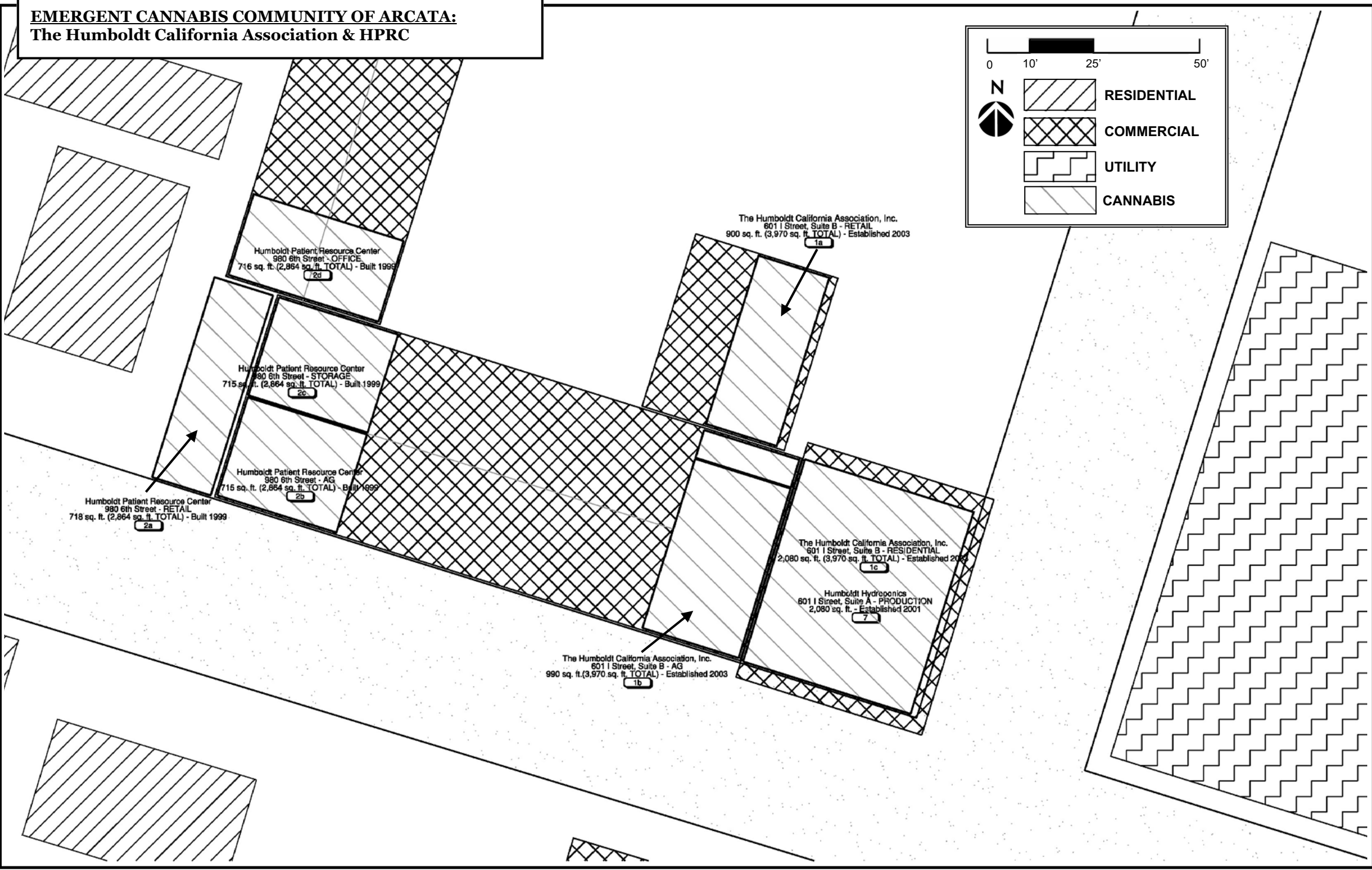


FIGURE 250. THC & HPRC

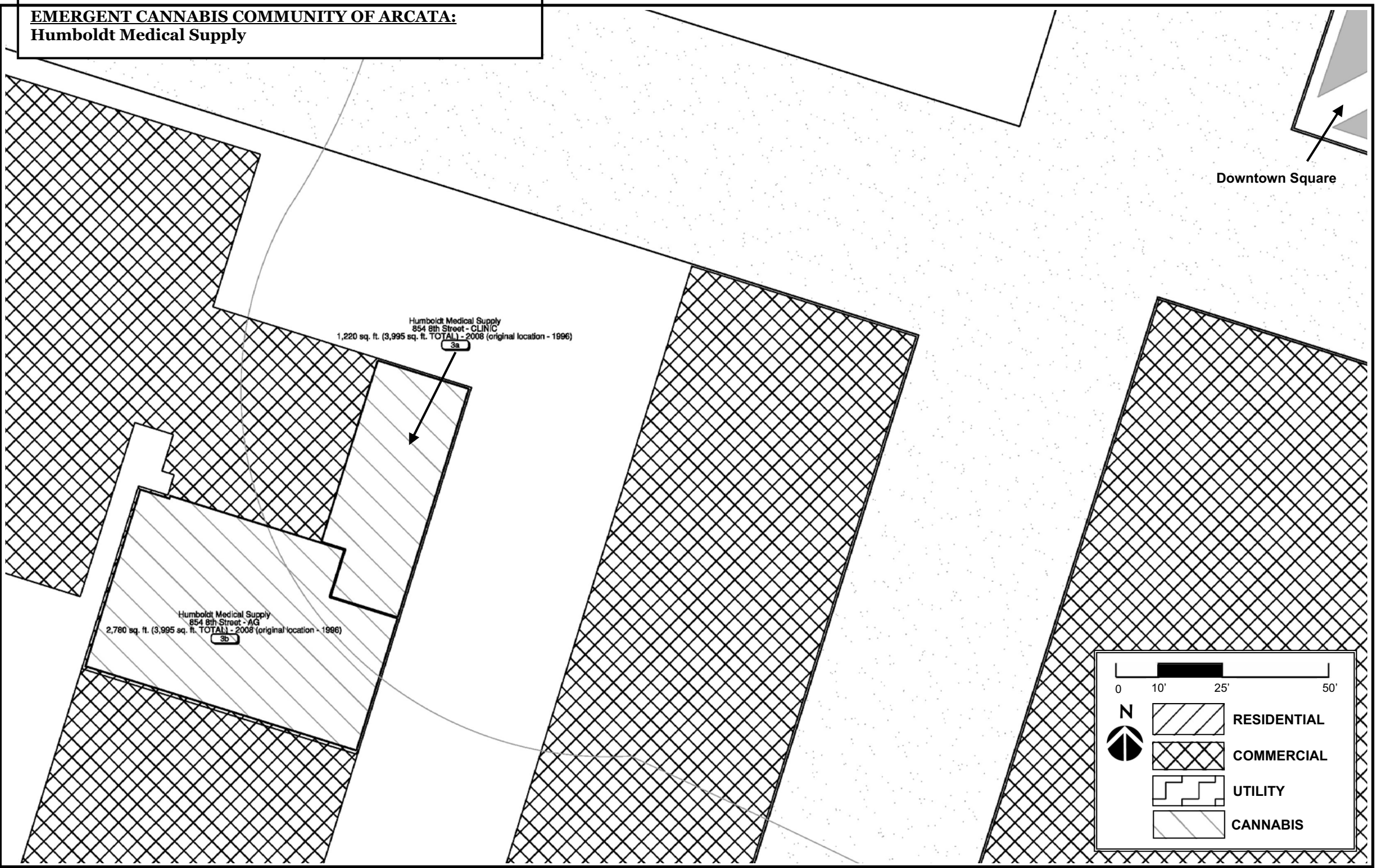


FIGURE 251. Humboldt Med Supply

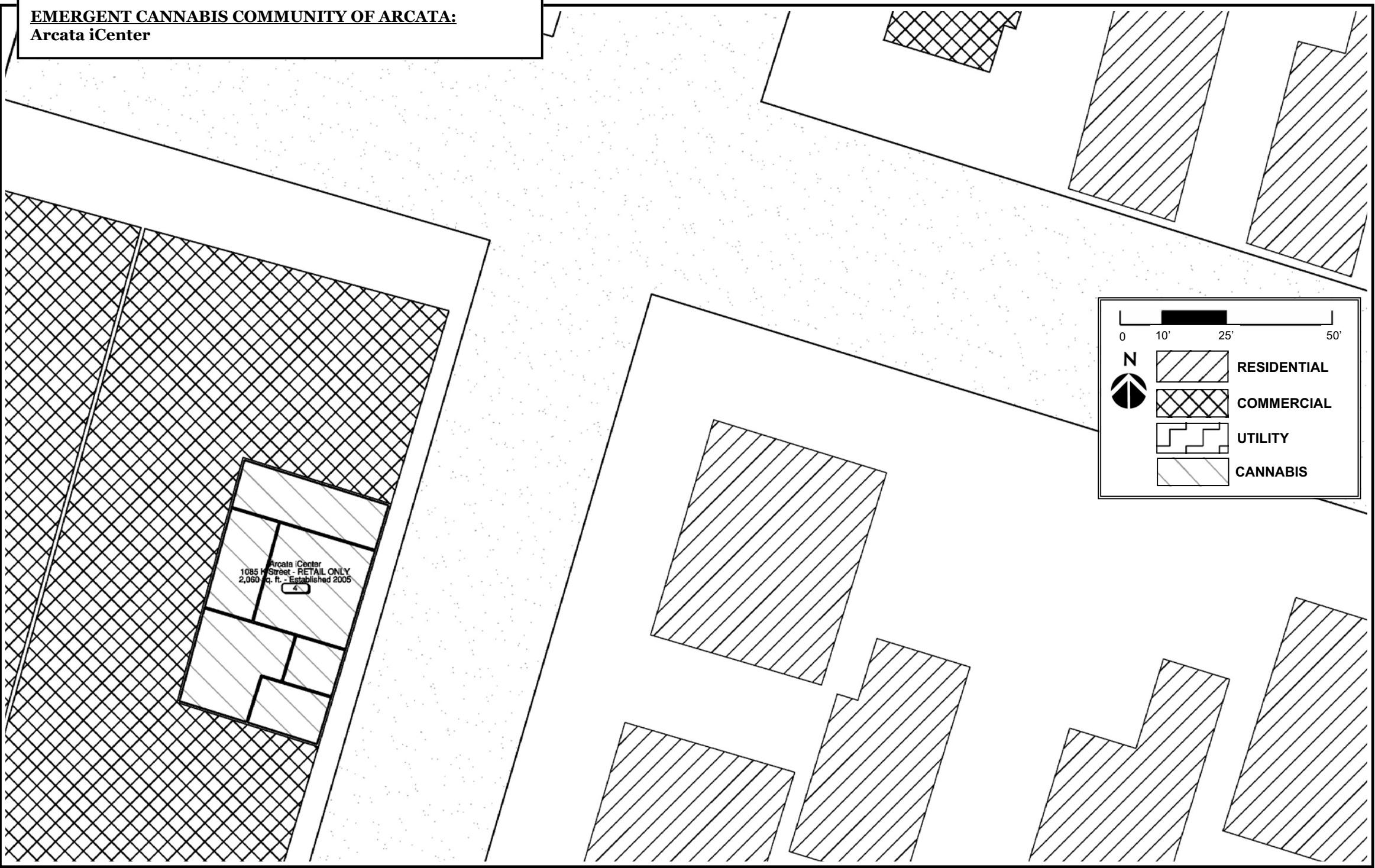


FIGURE 252. Arcata iCenter

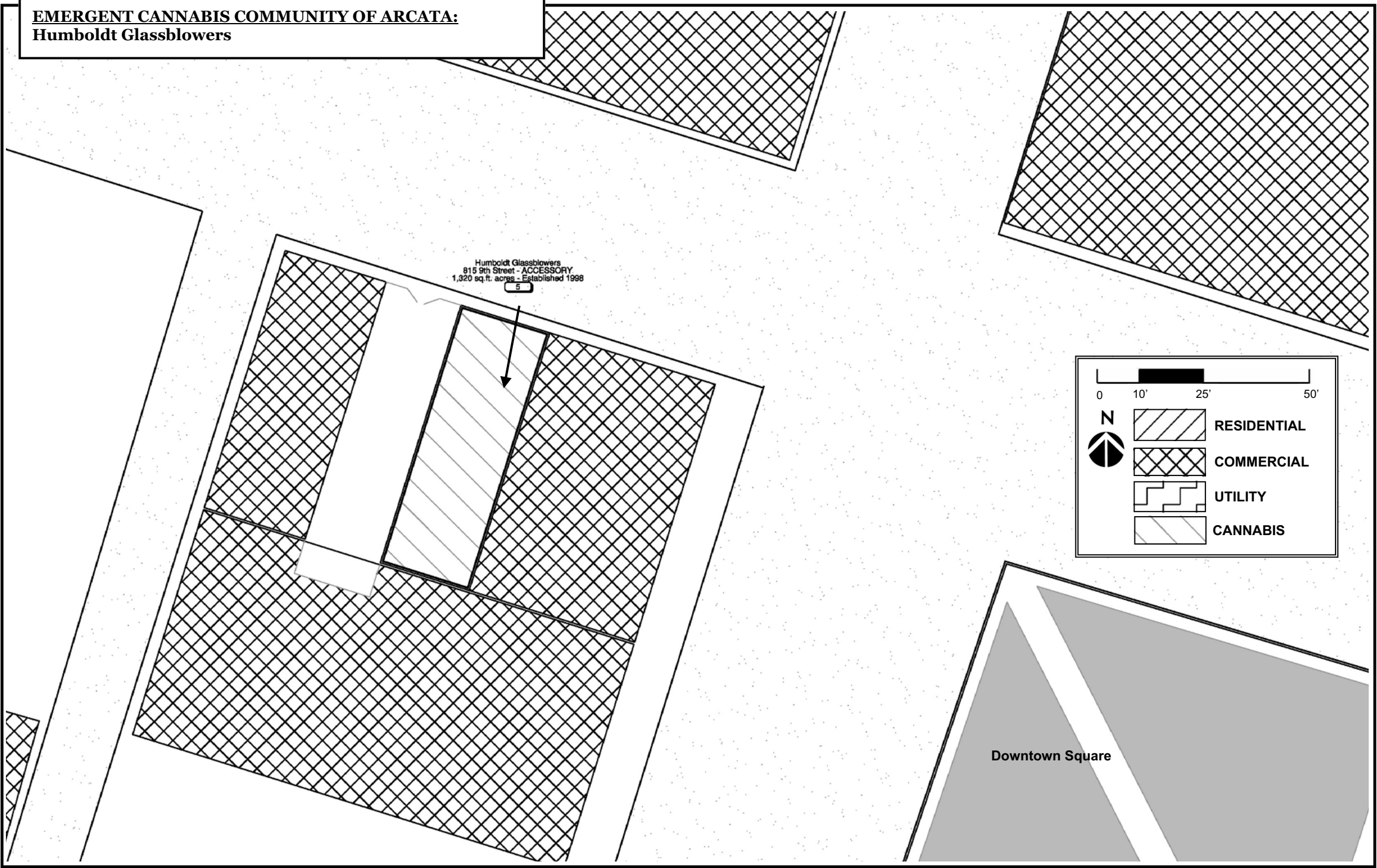


FIGURE 253. HBT Glassblowers

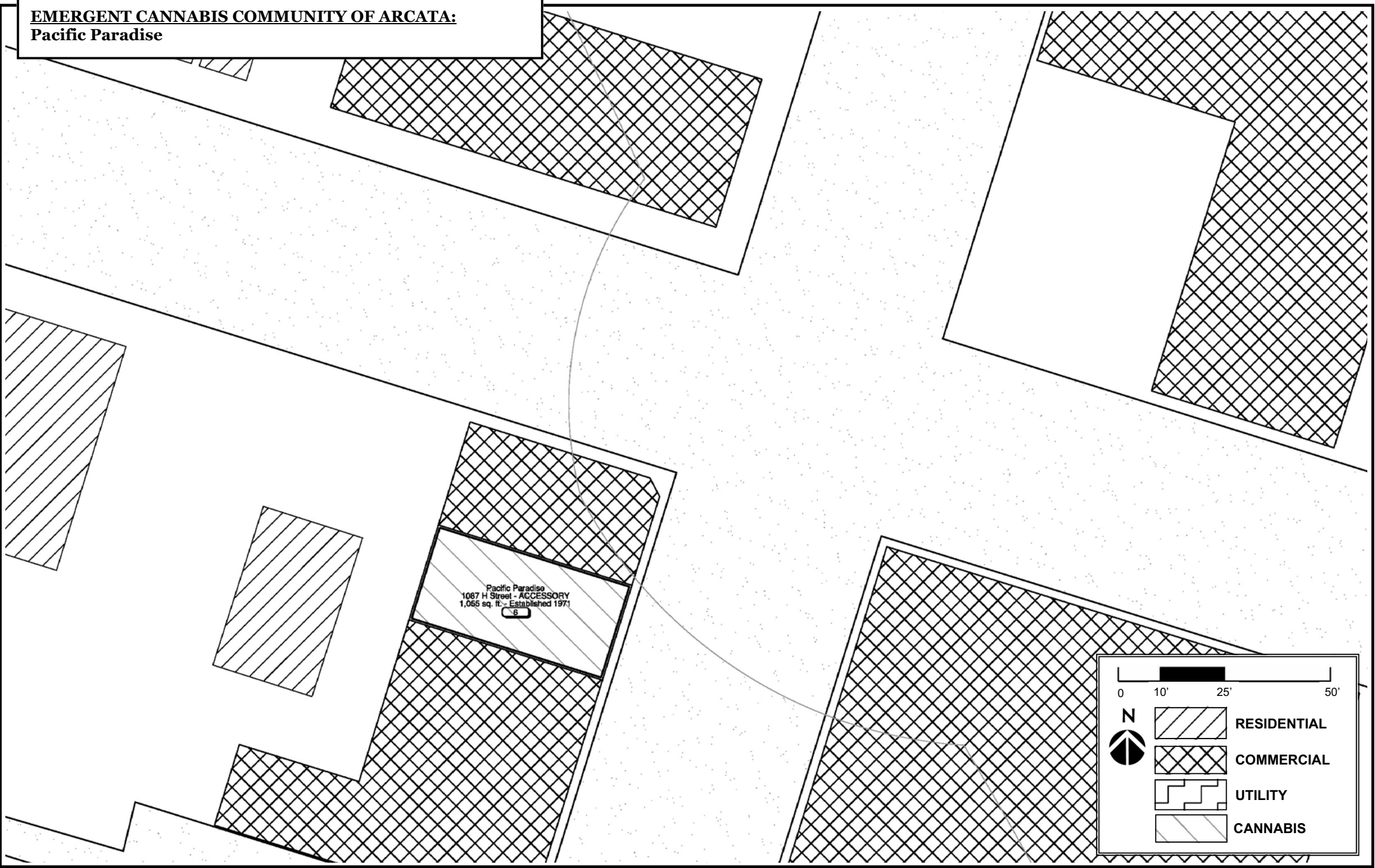


FIGURE 254. Pacific Paradise

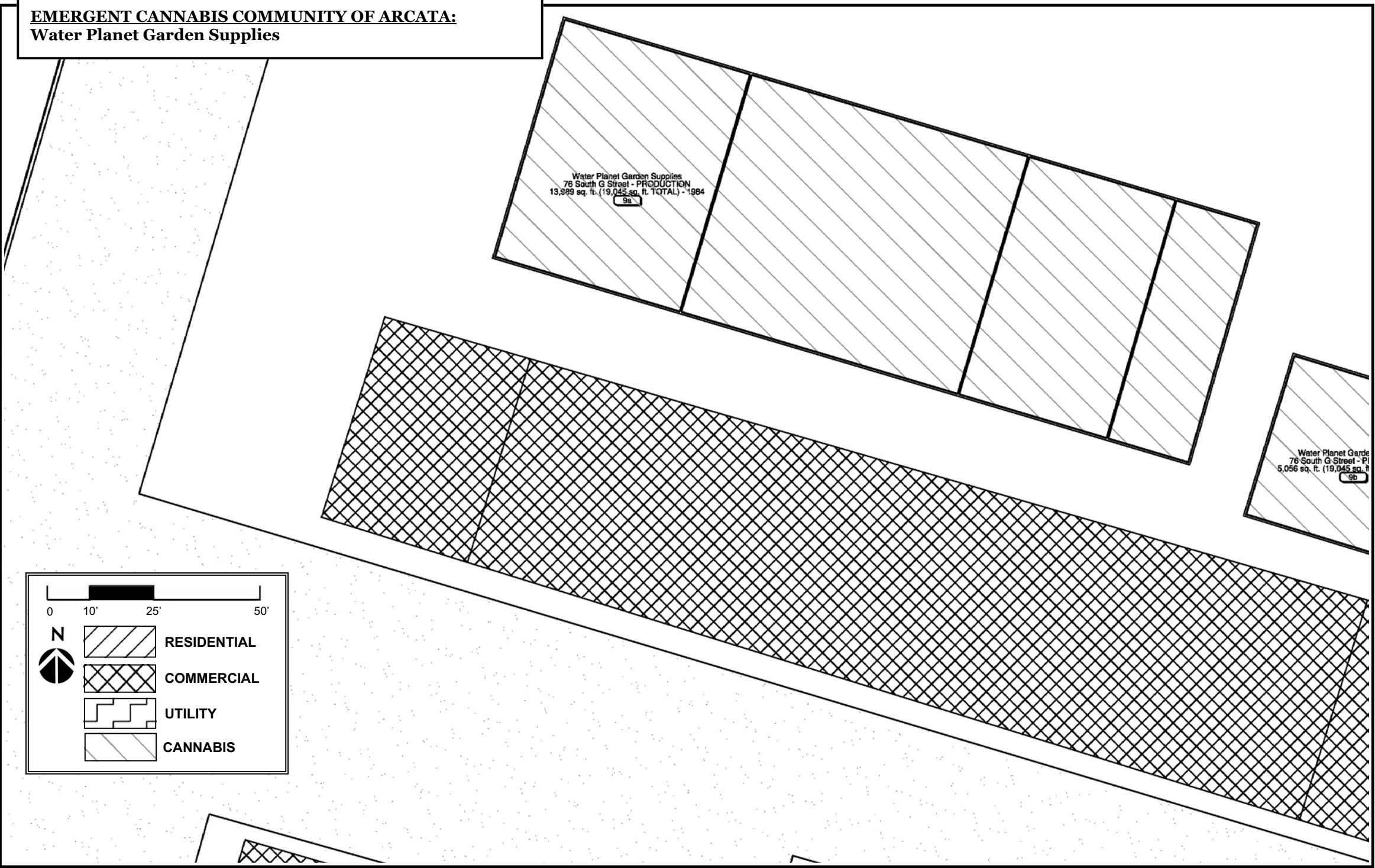


FIGURE 255. Water Planet I

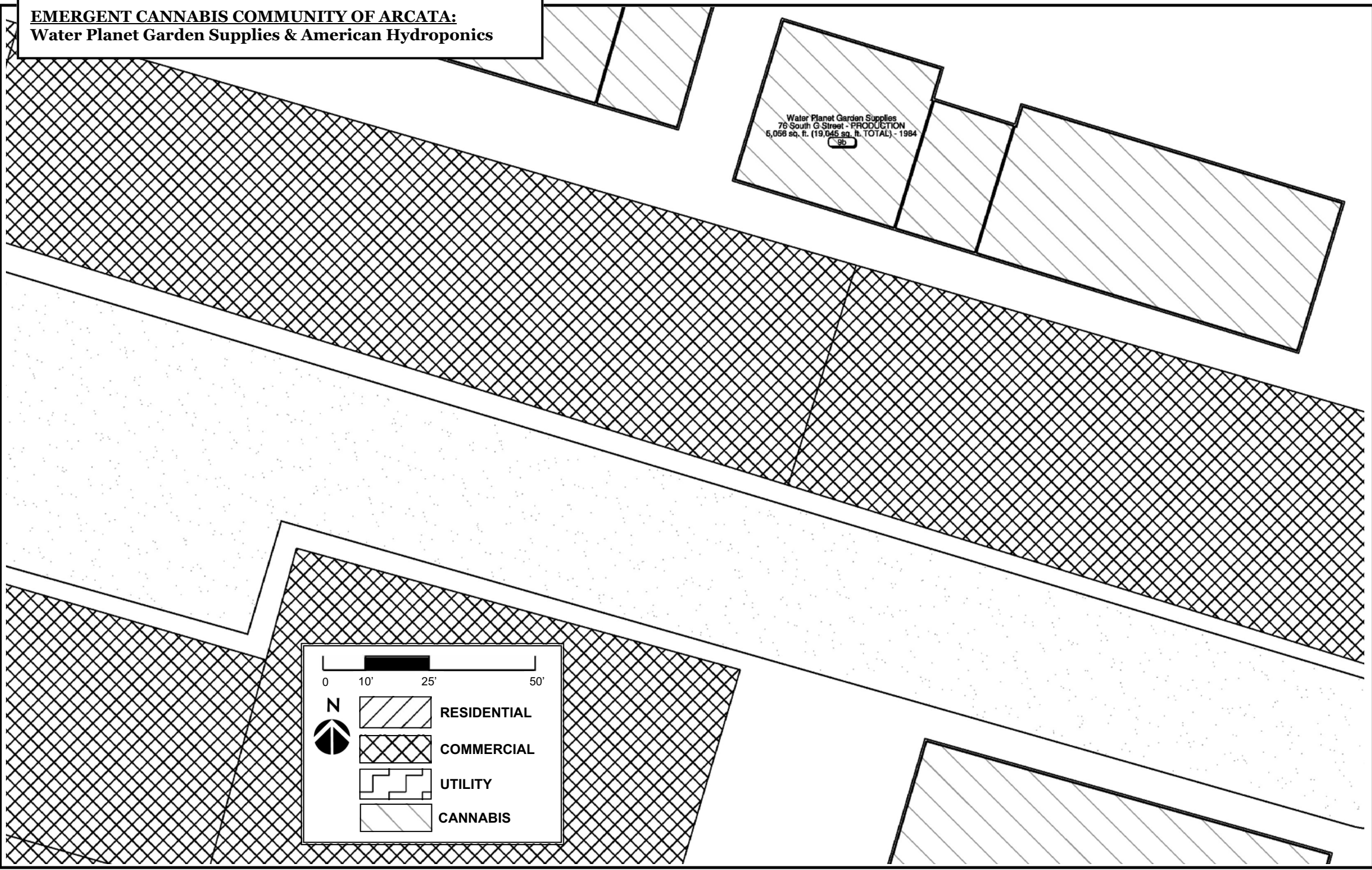


FIGURE 256. Water Planet II

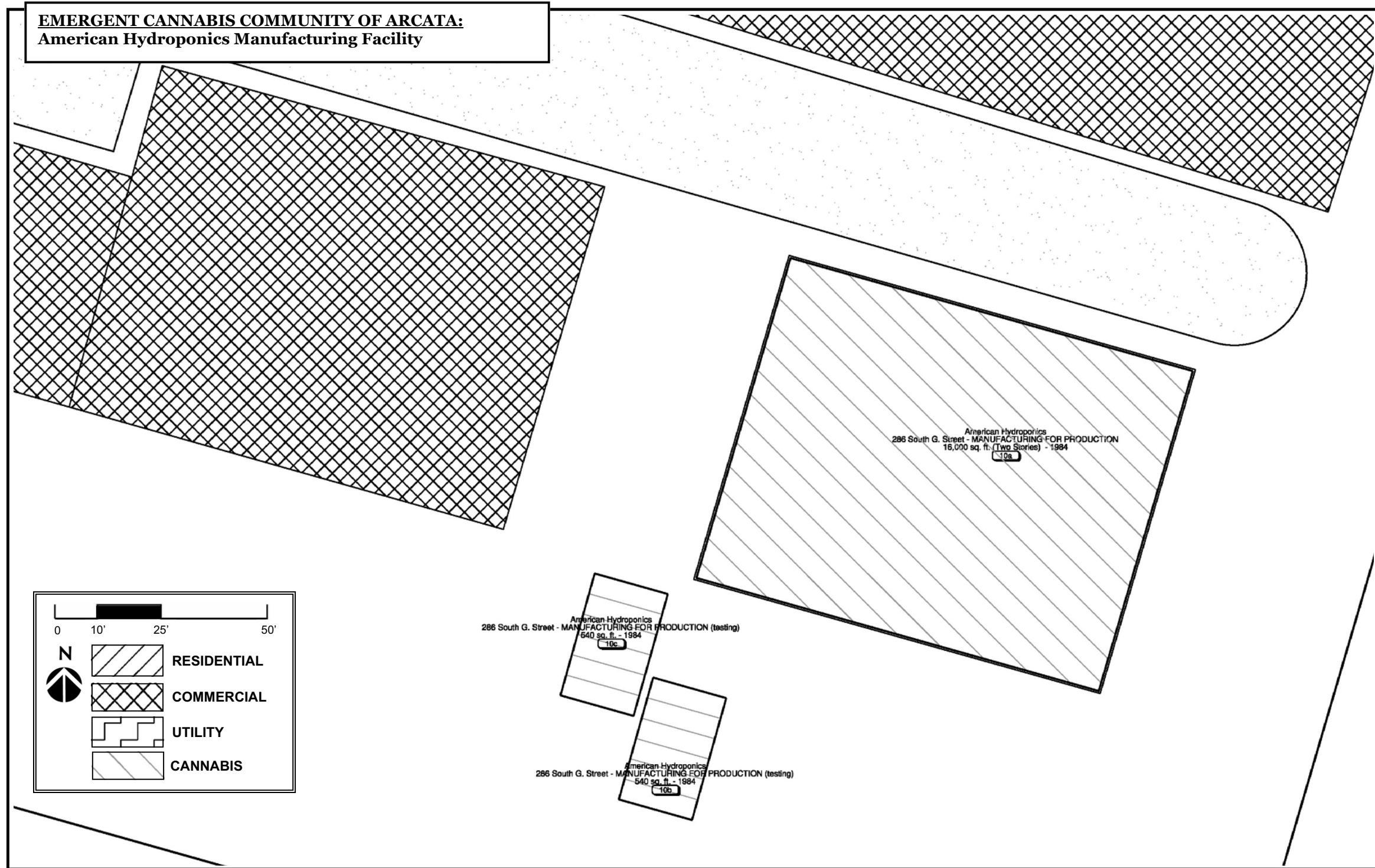
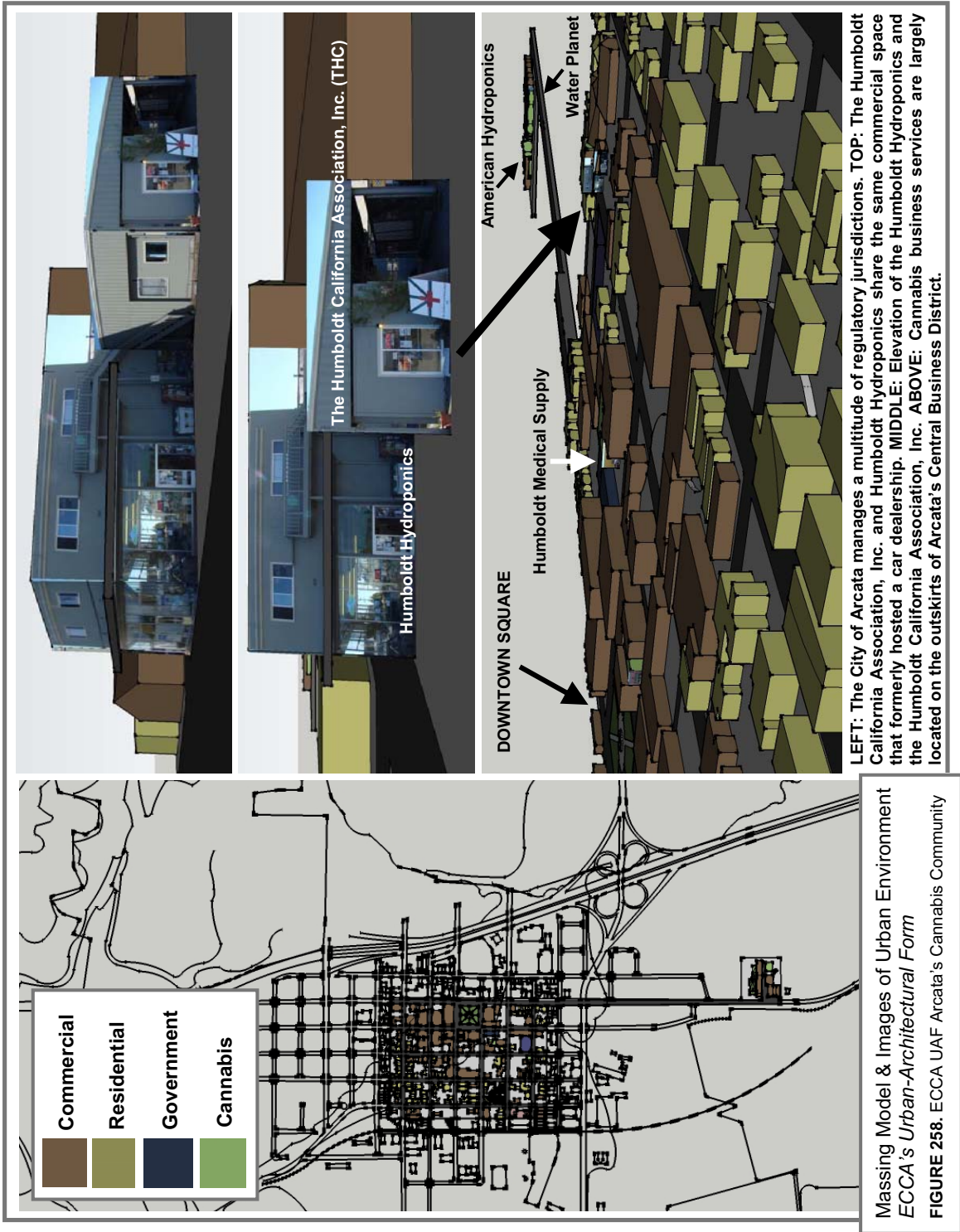
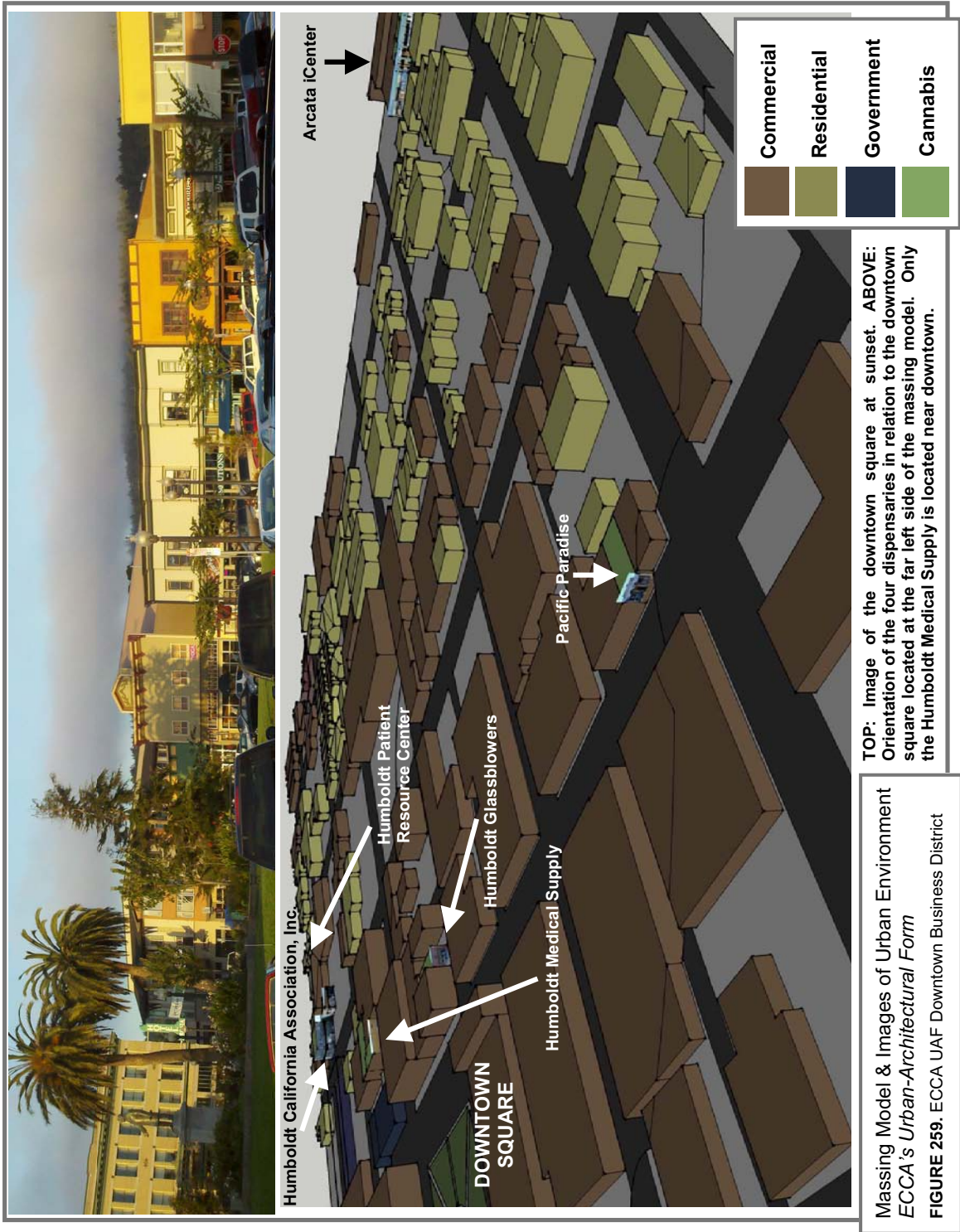


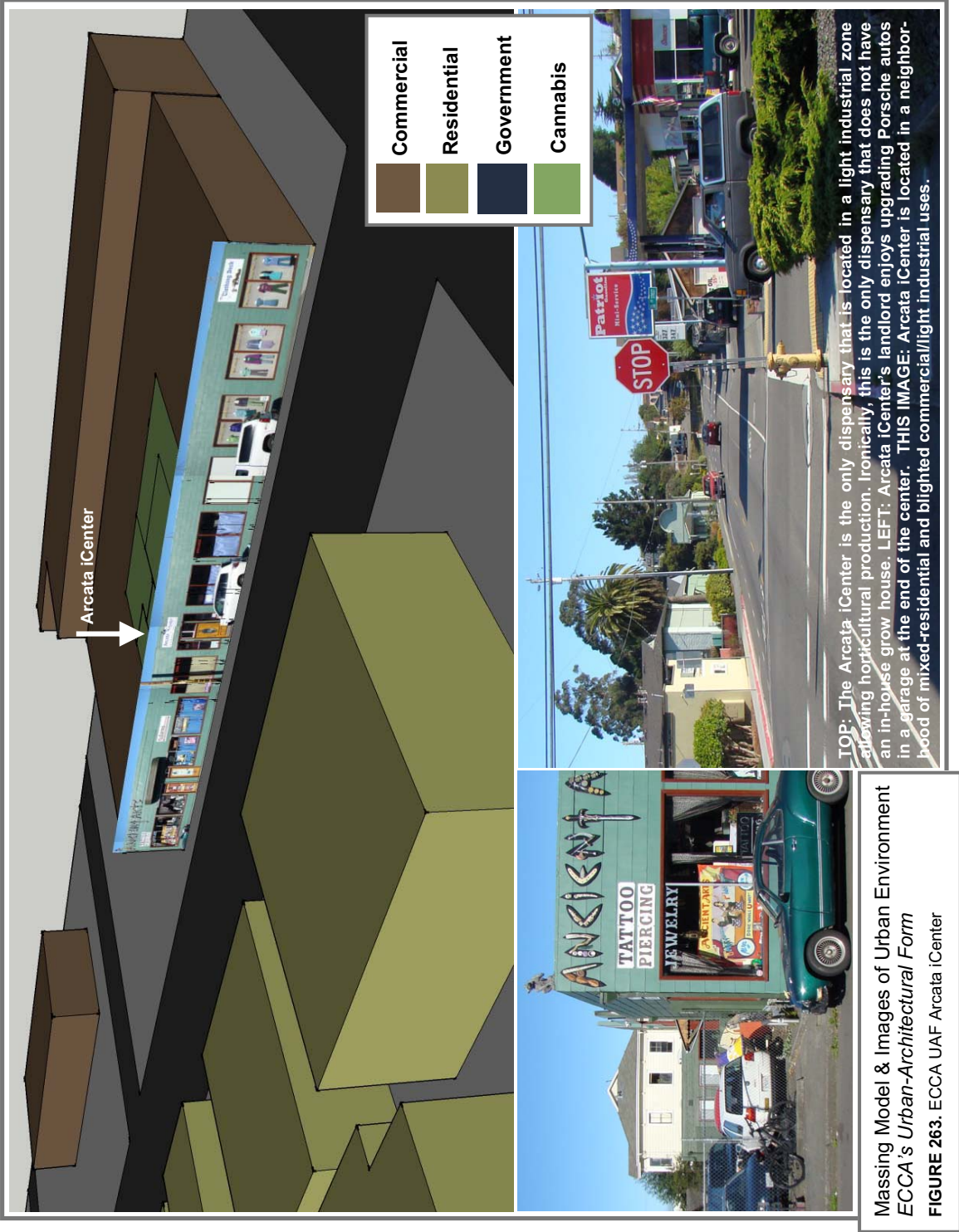
FIGURE 257. American Hydro





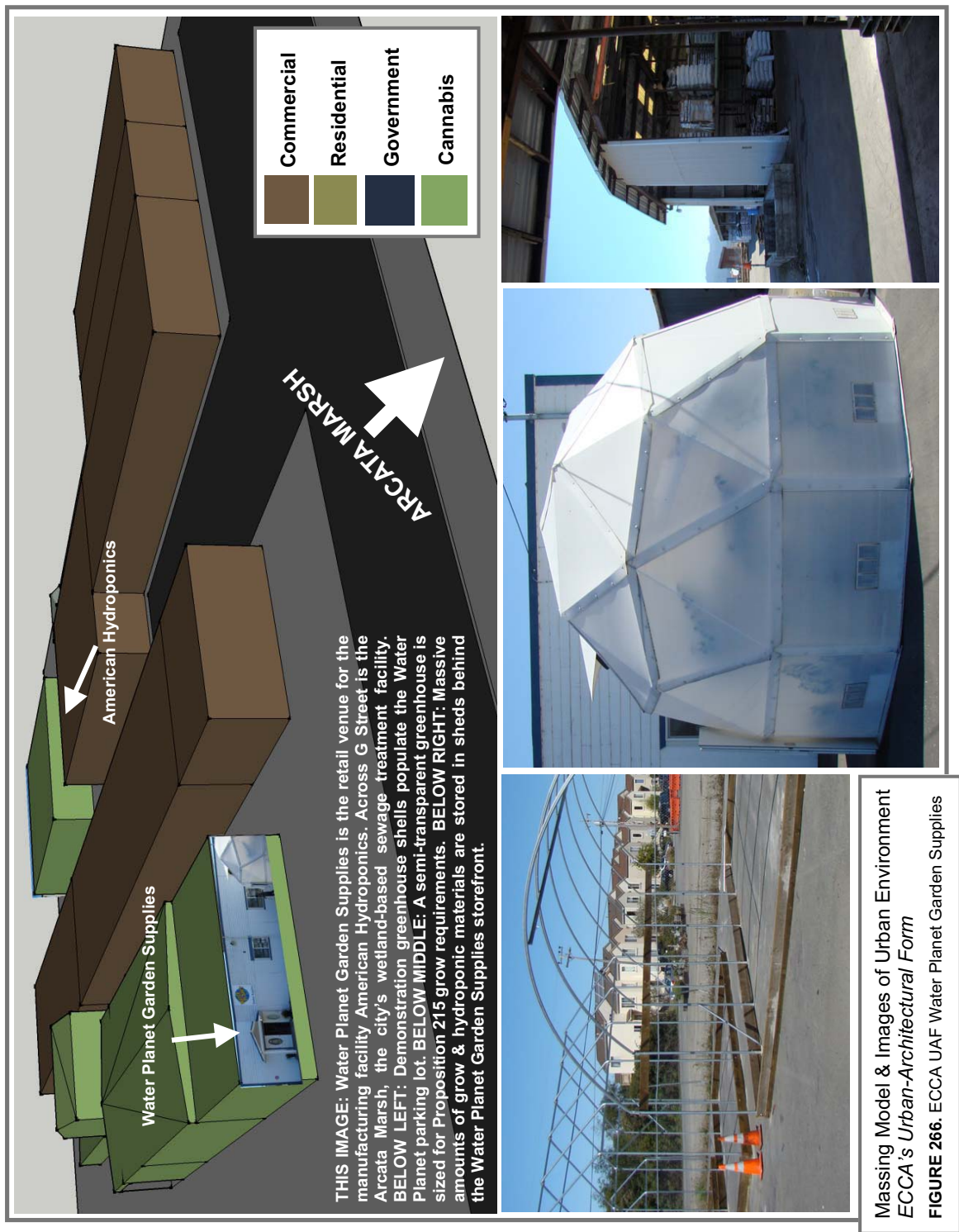


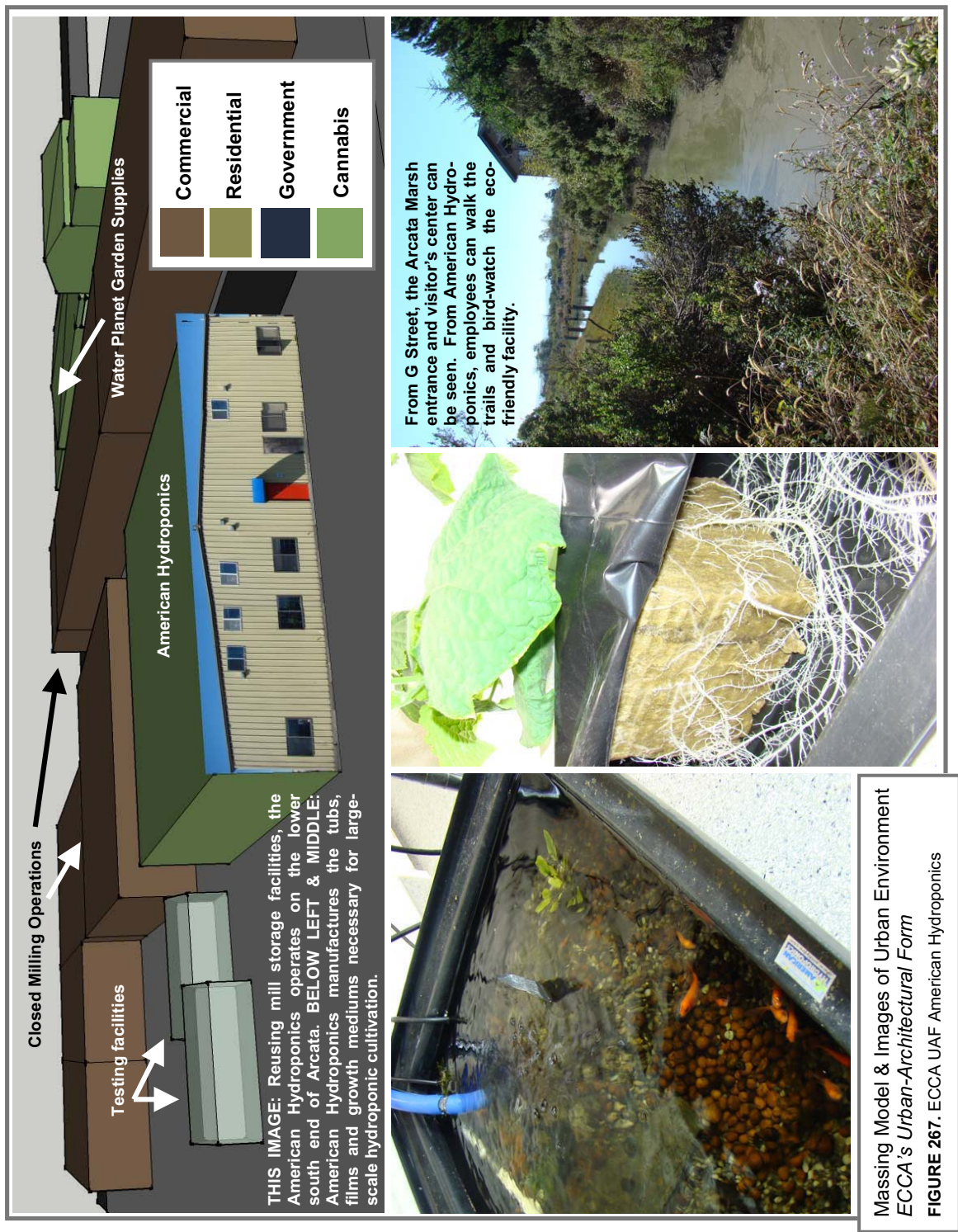






Massing Model & Images of Urban Environment
 ECCA's Urban-Architectural Form
FIGURE 265. ECCA UAF Pacific Paradise





D.5.1. Knowing Your Medication

*He turned thirty-five last Sunday
In his hair he found some gray
But he still ain't changed his lifestyle
He likes it better the old way
So he grows a little garden in the back yard by the fence
He's consuming what he's growing nowadays in self defense
He get's out there in the twilight zone
Sometimes when it just don't make no sense¹⁴²¹*

Above are the lyrics of the song “Old Hippie” released in November of 1984, a single by the Bellamy Brothers that reflects the consistently progressive approach to marijuana cultivation embraced by many (if not all) residents of the Emerald Triangle. The Emerald Triangle, so named due to the telling emerald color of cannabis, is a unique region of the Northern California constituted by the three counties of Mendocino, Humboldt, and Trinity. This region is the place of origin for the mythically strong “California Bud” made famous in movies, in rumor and widespread marijuana consumption practice.

Notwithstanding political affiliation or religious background, since 1996, friends and family visiting from outside California universally asked the same two questions. First, does everyone in Northern California smoke marijuana? Second, does Northern California in fact have the best weed? Over the past few years as I have compiled an informal library of resources for this case study, our household’s visitors from all over the United States have indirectly pushed my own discovery of research materials. At times, this tendency became so uncomfortable that it led me to obtain a doctor’s recommendation for medical marijuana in treatment of my resulting symptoms of anxiety (See **FIGURES 234** and **237**). Managing to finally use this recommendation, on my reconnaissance of the Emergent Cannabis Community of Arcata [hereafter “ECCA”], I purchased approximately a half-ounce of medical marijuana grown in Humboldt County, a cache that remains in my closet reserved for out-of-state visitors to witness.

In May of 2010, one visitor took an independent tour of San Francisco’s medical marijuana dispensaries, finding that many people simply “call in” their cannabis needs for delivery. Knowing of my research subject, this friend brought back the 8 ½” X 11” combination menu and informational leaflet (See **FIGURES 235-236**). On the backside (See **FIGURE 236**), the leaflet has a full page cannabis description so patients purchase their medication with full knowledge of its specific ameliorative impact. Since the friend was from out of state, other in-state companions were relied upon to handle the resultant transaction. Days later, the friend

¹⁴²¹ THE BELLAMY BROTHERS, *Old Hippie* (Curb Records, Nov. 30, 1984).

went home extremely happy, enjoying a six-pack of medicinal lollipops (\$5 each) on the flight back home. On departure to board the plane, the friend stated with an infectious grin: *I have to move to California.*

D.5.1.1. Back-to-the-Land

Marijuana cultivation for personal use has been widely accepted in the Emerald Triangle since counterculture activists evacuated San Francisco [hereafter “SF”] after the infamous Summer of Love into the rural hinterland just north of the SF Bay Area. As new drug laws had criminalized LSD (1967) and increased penalties for incidences of cannabis use (1970),¹⁴²² former hippies and converted back-to-the-land “settlers” procured cheap, blighted and wholly secluded property on the Lost Coast.¹⁴²³ The “Lost Coast” is another name for the shoreline portion of the Emerald Triangle due to the constant fog, regular rainfall, and massive old growth forests that hide the communities and their residents behind a “redwood curtain.”¹⁴²⁴ By 1967 a greater back-to-the-land movement was sweeping hippies across the United States into the rural areas of North America as they followed the teachings of Helen and Scott Nearing,¹⁴²⁵ as well as the prescriptions for wholesome living in the Mother Earth News.¹⁴²⁶

Like the lyrics of the Bellamy Brothers song quoted at the start of this section, Humboldt County pot growers began as simple backyard counter-culture enterprises managed by the burned-out hippies who relocated to the region in the late 1960’s. Years later, a greater Washington D.C. sourced event indirectly escalated marijuana production in the Emerald Triangle to unprecedented levels. In 1976, based on the coordination and support of the U.S. Federal Government, Mexican authorities sprayed the majority of the highly productive Sierra Madre

¹⁴²² LSD was criminalized in California in October of 1966, then throughout the United States in 1970. Increased penalties for marijuana use were included in amendments to California’s existing drug enforcement laws in 1970. Both LSD and marijuana were included in the California Uniform Controlled Substances Act passed in 1966, which is found in the Cal. Health & Safety Code Sections 11053 – 11058.

¹⁴²³ Nicholas Pablo, *History of Hippies – Part II: Hippies in Humboldt*, HUMBOLDT LIVING (Sep. 2009) <http://www.humboldtliving.com/articles.php?article_id=51>. Pablo details that over-fishing, over-logging and a massive tsunami that struck Humboldt County in 1964, “an ecological disaster” that “provided cheap land for disgruntled San Francisco hippies hoping to escape the mainstream-media created circus of the Haight-Ashbury.”

¹⁴²⁴ *California’s Redwood Coast: Lost Coast Trail & King Range Hikes*, HUMBOLDT COUNTY CONVENTION & VISITORS BUREAU, (2009) <<http://redwoods.info/showrecord.asp?id=521>>.

¹⁴²⁵ Pablo, *supra* note 1423.

¹⁴²⁶ C. L. Beale wrote in 1975 that:

the environmental-ecological movement, the youth revolution with its somewhat antimaterialist and anti-suburban component, and the narrowing of traditional urban-rural gaps in conditions of life all seem to have contributed to the movement to nonmetro areas.

See C.L. Beale, *Renewed growth in rural communities*, 9 FUTURIST 196-201 (1975). *See also* Raymond J. Coffin & Mark W. Lipsey, *Moving Back to the Land: An Ecologically Responsible Lifestyle Change*, 13 ENVIRONMENT AND BEHAVIOR, 45 (1981). Coffin and Lipsey use this description of back-to-the-landers as a basis for surveys regarding the values of these self-driven “counterurbanists.”

marijuana fields with the “toxic-salt” defoliate paraquat.¹⁴²⁷ After successfully crippled the marijuana flow from Mexico into California, by necessity the Emerald Triangle ramped up its own unique agri-business output, thereafter supplying approximately 30% of all pot consumed in California by 1979.¹⁴²⁸ The home-grown pot of the Lost Coast had been manipulated over the past decade so as to super-charge the potency of the plant, thereby only increasing demand throughout the historically marijuana-friendly state for the unique Humboldt strand of cannabis.¹⁴²⁹ The popularity of such grow operations were so widespread in the region that the NEW YORK TIMES reported that advertisers no longer masked this black market economic engine of Humboldt County. One such real estate solicitation in 1979 read the following:

For Sale: 52 Acres, rugged terrain, secluded –
ideal for growing marijuana.¹⁴³⁰

D.5.1.1.1. The State of Jefferson

For anyone that visits the Pacific Northwest logging country that stretches from just north of the San Francisco Bay all the way into Western Canada, the polarity of local personality is dramatic. Loggers and their direct descendents typically represent a clearly conservative influence on the region, while the back-to-the-landers and homesteading hippies typically represent a clearly liberal influence. As one drives through the Lost Coast of California, southern Oregon, or western Washington, the radio bandwidth is full of an ever-changing cast of 24 hour Christian evangelists and volunteer-supported local NPR reporters. Needless to say, it can be difficult to simply find a pop music radio station as the fringe dominates this unique countryside.

This ideological representation that has an audible presence on the airwaves underlies many of the more recent policy contrasts exhibited as to logging, fishing, and environmental stewardship for the region in general. These differences of policy opinion defined most of the late 1990s with news of activism and dramatic episodes of violence. In spite of such differences, both liberal and conservative residents within this region have a single point of mutual solidarity: disdain for any centralized government sourced from the outside.

¹⁴²⁷ *Panic Over Paraquat: The Bizarre Case of the Polluted Pot*, 111 TIME 18 (May 1, 1978). In addition, fans of THE BIG LEBOWSKI (1998) should delight in the reference “The Dude” makes to “Mr. Lebowski,” calling him a “human paraquat.”

¹⁴²⁸ Pamela G. Hollie, *California Marijuana Farms Yield a Billion-Dollar High*, NEW YORK TIMES, E2 (Jul. 13, 1980). See also William Carlsen, *Marijuana Crops Revive California Town*, NEW YORK TIMES, 26 (Mar. 11, 1979).

¹⁴²⁹ Hollie, *supra* note 1428, at E2.

¹⁴³⁰ Carlsen, *supra* note 1428.

This outright disrespect for outside governance has a relatively long history. In 1852, just two years after California had become a state of the United States, advocates for a separate “State of Jefferson” composed of a handful of counties in Northern California and Southern Oregon introduced a bill stating as much in the California State Legislature.¹⁴³¹ The bill failed, but the intentions of these Northern California and Southern Oregon residents to follow a unique political identity were never extinguished.

On November 27, 1941, activists of Northern California and Southern Oregon located in the counties of Trinity, Humboldt, Del Norte, Siskiyou, Shasta and Curry (Oregon) reached a breaking point. Due to perpetual infrastructural neglect and unmitigated resource extraction, residents banded together and staged an armed “rebellion,” manning roadblocks on the major highways to hand out leaflets that outlined the State of Jefferson’s Proclamation of Independence.¹⁴³² On December 4, 1941, a locally appointed governor of the State of Jefferson, Judge John L. Childs, stated in his inaugural address:

The State of Jefferson is a natural division geographically, topographically, and emotionally. In many ways, a world unto itself: self-sufficient with enough water, fish, wildlife, farm, orchard land, mineral resources, and gumption to exist on its own.¹⁴³³

Three days later, Pearl Harbor was attacked by the Empire of Japan. Immediately, the rebellion’s aims shifted to national defense, but the ideals and unique cultural identity of the State of Jefferson continues today. In 1993, a scenic byway was dedicated and marked to outline the cultural and geographical uniqueness of the State of Jefferson, as activists continue to lobby for better representation from their respective Oregon and California administrators.¹⁴³⁴ To this day, important issues for the Jefferson activists are better roads, reconnected railways, preventative wildfire support, and an independent economic identity for this section of the Pacific Northwest.¹⁴³⁵

Decades after the armed protest staged by the Jeffersonians, a greater crisis was born in this pocket of the Pacific Northwest as mining, logging and fishing were nearly completely exhausted. By 1979, with the newfound demand for marijuana after Mexican sources were ruined in the Drug War, a fundamentally new manner in which to self-define and promote the local economy

¹⁴³¹ BERINTA TICKNER & GAIL FIORINI-JENNER, IMAGES OF AMERICA: THE STATE OF JEFFERSON, 7 (2005).

¹⁴³² *Id.* at 117 and 119.

¹⁴³³ *Id.* at 117.

¹⁴³⁴ *Id.* at 126.

¹⁴³⁵ Brian Peterson, *The Jefferson Statehood Project*, STATE OF JEFFERSON (Nov. 2011) <<http://www.jeffersonstate.com/>>.

was realized. Beyond simple clandestine grow operations hidden in the secluded properties of the Lost Coast, the new pot trade became its own currency, cultural binder, and most importantly, drove a robust economic boom for *legitimate* business in Northern California.

At the epicenter of the mid-1970's to mid-1980's pot revolution sat Garberville, a town of only 800 residents. By 1979, one garden store grew to a community packed with thirteen.¹⁴³⁶ Throughout the region, every room and house was rented during harvest season as hundred dollar bills filled the registers of local restaurants, grocery stores, and purchased new trucks equipped to haul immense amounts of fertilizer.¹⁴³⁷ By 1980, marijuana cultivation had become the 4th largest agri-business commodity, following only cattle, milk and cotton for state dominance.¹⁴³⁸

D.5.1.1.2. Overwhelmed by Forces from Outside Humboldt County

With economic success came a greater investment and sophistication in the cultivation of the region's black-market crop.¹⁴³⁹ As many of the homesteading, well-educated hippies evolved into grander "growers" of the region, they formed underground cooperatives to produce a new unique strand of marijuana. Bred specifically to dramatically enhance the potency of the cannabis product, sinsemilla (Spanish for "without seeds") plants were cultivated strictly from the female buds and induced to grow to herculean proportions. For decades this seedless form was an exclusive attribute of Northern California marijuana, as the sinsemilla plants were the basis for the high demand *and* premium price smokers paid for the best weed of the Lost Coast.¹⁴⁴⁰

Soon cultivators began to take on much more technologically advanced methods of greenhouse operations. In 1980, a man who was on the payroll of the Department of Defense by the name David Katz, purchased 100 33-watt solar panels at an energy trade show in Las Vegas. He sold all 100 within two weeks at a rural Humboldt County grocery store. He immediately went back to the manufacturer for more, and as the marijuana industry has grown in Humboldt County, Katz has realized a solar power company that now has \$200 million in sales per year. Katz maintains his company out of the small community of Redway, although he keeps an on-grid home in Arcata.¹⁴⁴¹

¹⁴³⁶ Robert Lindsey, *Raids Reduce California Marijuana Planting 40%*, NEW YORK TIMES, A12 (Jul. 25, 1985).

¹⁴³⁷ Carlsen, *supra* note 1428.

¹⁴³⁸ Hollie, *supra* note 1428, at E2.

¹⁴³⁹ Carole Rafferty, *Marijuana Raids Angering Retirees*, NEW YORK TIMES, 34 (Jun. 10, 1984).

¹⁴⁴⁰ Carlsen, *supra* note 1428.

¹⁴⁴¹ NICK ROSEN, OFF THE GRID, 48 (2010). *See also* AEE Solar (2012) <<http://aeesolar.com/>>.

Another major innovation transpired in the Emerald Triangle: hydroponic agriculture. Although this soilless form of greenhouse horticulture had been used in limited cases prior to marijuana cultivation, as the science of pot production became increasingly advanced, growers preferred hydroponic methods for their operations. Perhaps more important than production controls, hydroponics afforded more confined and secure environments for plant cultivation.¹⁴⁴² By the early 1980's, not only were hydroponic-exclusive stores opening in the Humboldt region, but manufacturing plants were also humming with direct sales to major growers.¹⁴⁴³

These new advancements attracted outsiders into the Emerald Triangle to profit from the unique grow techniques of the region. In reaction, such success provoked an increasingly militarized method of drug enforcement from state and federal authorities. In 1983, the Campaign Against Marijuana Production [hereafter "CAMP"] was initiated as an inter-agency task force to utilize federal, state and local police squads with paramilitary techniques. Helicopters, heavily armed squads and a liberal interpretation of privacy laws were utilized to seize tens of thousands of pounds of marijuana from the source at harvest each year, employing the "largest task force in the United States."¹⁴⁴⁴

One year later, the Comprehensive Crime Control Act became law, prescribing forfeiture of property used for illegal drug trafficking to fund continued drug-related law enforcement.¹⁴⁴⁵ Essentially incentivizing drug-related busts and crackdowns, CAMP's operating budget ballooned with increasing drug busts.¹⁴⁴⁶ By 1985 pot production throughout the Emerald Triangle was down by 40% due to direct police actions.¹⁴⁴⁷ By 1988, Garberville was once again a ghost town as all the garden shops, residents and ancillary legitimate businesses evacuated as cannabis distribution was now a bust.¹⁴⁴⁸

¹⁴⁴² Daniel Rosenheim, *Pot Growers Moving Indoors and Into Cities*, SAN FRANCISCO CHRONICLE, 6 (Aug. 7, 1985).

¹⁴⁴³ In Arcata, a sizable manufacturing facility for hydroponic materials opened in 1983 as American Hydroponics. The facility was opened in an abandoned lumber mill that closed sometime in the late 1960s or early 1970s.

¹⁴⁴⁴ *Campaign Against Marijuana Planting*, OFFICE OF THE ATTORNEY GENERAL (2012) <<http://ag.ca.gov/bne/camp.php>>.

¹⁴⁴⁵ Cases regarding the interpretation of this approach to funding law enforcement were drawn from incidents of marijuana grow operations in Humboldt County. See Leslie Guevarra, *U.S. Court OKs Seizing of Drug Dealers' Property*, SAN FRANCISCO CHRONICLE, 4 (Jul. 11, 1987). In the case reviewed in the article, a 40-acre property was seized in whole in spite of the fact that only two acres were used for cannabis production. The appellate court reversed a district court opinion, stating "that as long as the total punishment imposed is not disproportionate to the actual crime" ... "the seizure was protected by law."

¹⁴⁴⁶ See Tony Bizjak, *Wine With a Notorious Past: Drug Dealer's Goods on the Auction Block*, SAN FRANCISCO CHRONICLE, C10 (Oct. 17, 1987). In the U.S. Attorney's office that prosecutes the region of Northern California including Humboldt County, seizures led to \$12.5 million of forfeiture proceeds in that single district alone over only the first two years of the law's authority.

¹⁴⁴⁷ Lindsey, *supra* note 1436, at A12.

¹⁴⁴⁸ Keith Schneider, *Marijuana Once Reigned as the King*, NEW YORK TIMES, A12 (Jan. 26, 1988).

At the half-way point between Garberville and Arcata, a small company town established by the Pacific Lumber Company [hereafter “PLC”] in 1863 became ground-zero for another imposition of overwhelming force from outside Humboldt. This time, the source of power did not come from Washington, D.C., but rather, from Houston, Texas. Charles Hurwitz owned a company called Maxxam, Inc., that was headquartered in an office walking distance from the Transco Tower in the Uptown District of Houston. On September 27, 1985, through his closely held corporation, Hurwitz literally purchased Scotia, California, as it was the property of the PLC. By January of the next year, as new owner of company, Hurwitz immediately dictated a pronounced acceleration of the lumber production from the last stands of old-growth redwood forests privately held by the company.

As Hurwitz was originally from the oil-town Kilgore, Texas, the new owner felt it was important to see how the massive Redwood and Douglas fir timber was harvested from the steep slopes of Humboldt County. After reviewing the regular staff, company managers brought Hurwitz into the deep woods on the company’s private property to watch the best timber faller in the business: A.E. Ammons.¹⁴⁴⁹ Years later, Ammons would himself emerge as infamous as Hurwitz himself in terms of representing the new Maxxam-owned PLC.

D.5.1.1.3. Arcata Cuts Against the Grain of the Dominant Culture

With Garberville again a ghost town and Scotia wholly occupied by a conservative mantra fitting of the Reagan-Bush era of governance, a power vacuum was created as to the long-established leftist politics of the region. Across the bay from Eureka, Arcata’s established reputation as the intellectual center for Humboldt attracted the emerging progressive community to establish their headquarters in the small, handsome community. Conveniently accessible to both the source of county politics as well as to the flagship university at the local Humboldt State University, a greater expression of liberal, eco-centric values was increasingly tangible by the late 1970’s. In 1977, the Environmental Protection Information Center [hereafter “EPIC”] formed on the south end of Arcata to legally force logging companies to refrain from using aerially applied herbicides over Humboldt County.¹⁴⁵⁰ Since then, EPIC has enforced an ethic of environmental stewardship by legal action, soliciting the expertise of local organizations, professionals, and activist support while securing necessary funding from established national conservation institutions.

¹⁴⁴⁹ PATRICK BEACH, *A GOOD FOREST FOR DYING*, 139 - 140 (2004).

¹⁴⁵⁰ *EPIC: About Us*, ENVIRONMENTAL PROTECTION INFORMATION CENTER (2012) <<http://www.wildcalifornia.org/about-us/>>.

Arcata's reputation for environmental stewardship had only grown with time. In 1978, Arcata residents rejected plans for a traditional wastewater plant in Arcata, proposing instead an integrated wastewater system that would utilize natural systems for treatment of municipal waste.¹⁴⁵¹ Although initially resisted by both state and federal regulatory agencies, based on the ecological scholarship of Professor George Allen of Humboldt State University, the Arcata Marsh was open and fully operational by 1986.¹⁴⁵² Utilizing a former dump site, closed lumber mills, and a restored wetland system, the integrated wastewater system treats the entirety of Arcata's municipal waste with coordinated natural (or soft-engineering) systems.¹⁴⁵³ The Arcata Marsh & Wildlife Sanctuary continues today as a model of ecological planning, service and restoration.

The pronounced ethic of environmentalism in Arcata goes beyond simply the installation of a novel sanitary waste system. One month before the end of the Cold War in 1989, the City of Arcata became a Nuclear Weapons Free Zone by local statute.¹⁴⁵⁴ Also in 1989, having witnessed Vietnam War-based¹⁴⁵⁵ techniques employed to fight President Reagan's iteration of the Drug War, a watchdog organization based its operations in Arcata to counterstrike with a civil-rights campaign against CAMP. Founded as the "Citizens Observation Group,"¹⁴⁵⁶ the organization was initially composed of local retirees who consistently pared back the militancy employed by the helicopter-bound police squad with a series of civil-rights legal actions.¹⁴⁵⁷

Perhaps most telling of the increasingly progressive nature of the community, in 1986 Earth First! organizers created a local headquarters for the Headwaters Forest Campaign in Arcata.¹⁴⁵⁸ Immediately after the hostile takeover of Pacific Lumber Company by Maxxam, Inc., the historically community-oriented PLC institution was redefined as a profit-centered organization.¹⁴⁵⁹ As Maxxam was intent on fastidiously liquidating the remaining timber stocks available to the company,¹⁴⁶⁰ Earth First! organizers pulled from the "deep ecology" ideology of the organization to save some of the final stands of old-growth forests in private hands on the

¹⁴⁵¹ Table 5: *Chronology of Selected Events Affecting the Arcata Marsh and Wildlife Sanctuary Project*, FRIENDS OF THE ARCATA MARSH (FOAM), (2011) <<http://arcatamarshfriends.org/reports/allentimelines-1.pdf>>.

¹⁴⁵² *Id.*

¹⁴⁵³ Sheila J. Rabun, *Birding and Sustainability at the Arcata Marsh and Wildlife Sanctuary: A Folkloric Analysis* (Thesis), UNIVERSITY OF OREGON, 29-31 (Jun. 2011).

¹⁴⁵⁴ ARCATA, CA. (Nuclear Weapons Free Zone Act), title V, ch. 9, §§ 5900 – 5911 (1989).

¹⁴⁵⁵ Lindsey, *supra* note 1436, at A12. In the article, the third full paragraph reads: "In scenes reminiscent of the Vietnam War, helicopter-borne police officers wearing fatigues and bulletproof vests and carrying automatic weapons this week raided dozens of illicit marijuana fields in remote redwood and pine forests..."

¹⁴⁵⁶ Other groups and names have been used, including the Civil Liberties Monitoring Project and a special committee to end the drug raids supported by the local chapter of the National Organization for the Reform of Marijuana Laws (NORML).

¹⁴⁵⁷ Rafferty, *supra* note 1439, at 34.

¹⁴⁵⁸ BEACH, *supra* note 1449, at 105.

¹⁴⁵⁹ Sam Allis, et. al., *Fighting for the Forests*, TIME (Oct. 14, 1996).

¹⁴⁶⁰ *Id.*

West Coast. By the early 1990s, David Cherney and Greg King began a local franchise and organized a sustained crew of activists to host regular concerts, meetings and protests facilitated from their office in Arcata.

As an archetype, the EPIC organization is a telling example of the type of organization that Arcata supports due to its uniquely progressive community. At EPIC, a locally sourced integration of science, cultural expertise and legalism is used as necessary to protect the natural surroundings of Humboldt County. As Arcata is proud of its independent and self-defined libertarian regard for people's right to do as they believe, residents have unintentionally created an "ecotopian" hamlet for activism and innovation in sustainability.¹⁴⁶¹ Even David Katz, the founder and CEO of AEE Solar, has his house on the grid in Arcata, over an hour's drive from his corporate headquarters in Redway.¹⁴⁶²

D.5.1.1.4. A Decade of Aggression

After Maxxam took over one of the last operating mills of Humboldt County, the civility maintained between the local hippies and this major source of historic economic prosperity deteriorated significantly. An accident at a local mill on May 8, 1987, was characterized by the Louisiana-Pacific facility ownership as homicide by tree spiking, publicly blaming Earth First! activists for the tragedy. A short time later, that same mill closed as available trees for harvest dwindled in the region.¹⁴⁶³ Seen as both a menace to the availability of work as well as the manner in which it was performed, loggers were becoming understandably frustrated with the actions of environmental conservationists.

By 1989, one activist that both sympathized with the loggers in a proletarian sense *and* had become personally invested in the Headwaters Forest Campaign helped facilitate a meeting between local hippie landowners and loggers working on nearby private lands. On August 16th, as this activist Judi Bari and her colleague Darryl Cherney attempted to discuss unionization and sustainable harvest practices, the loggers and hippies erupted in what Patrick Beach dignifies as the "Whitehorn Riot." The riot ended abruptly with a shotgun fired into the air.¹⁴⁶⁴ Days later, as Bari and Cherney were driving with her children in Fort Bragg, their vehicle was rear-ended by a logging truck manned by a Louisiana-Pacific contractor. Realizing more had to be done to save the forests and organize the loggers towards unionization, Bari and Cherney began organizing an

¹⁴⁶¹ BEACH, *supra* note 1449, at 51.

¹⁴⁶² ROSEN, *supra* note 1441, at 49.

¹⁴⁶³ BEACH, *supra* note 1449, at 56 - 57.

¹⁴⁶⁴ *Id.* at 59 - 60.

event they called the Redwood Summer for 1990. On their way to meet with fellow activists in Oakland to prepare for the event, a pipe-bomb exploded in their car on May 24, 1990.¹⁴⁶⁵ Due to Bari and Cherney's leadership in the Headwaters Forest Campaign, the FBI investigators purported the pipe-bomb was created by the very activists who were seriously injured by the blast, similar to the Weather Underground bomb accident that killed three Weathermen in New York City in 1970.¹⁴⁶⁶ Immediately arresting and charging the two as terrorists, Cherney suffered minor injuries as Bari was permanently disabled from the blast. Bari's injuries were never fully investigated in spite of the life-threatening nature of the underlying crime.¹⁴⁶⁷

The aggression experienced in Humboldt County was not limited to the environmental wars between federal authorities, corporate profiteers and deep ecology activists. In a region of the world where marijuana was considered an alternative currency,¹⁴⁶⁸ the interagency CAMP organization went beyond simply "acting" militaristic. In 1990, they literally enlisted the coordination of the U.S. Army.¹⁴⁶⁹ Employing Blackhawk helicopters so as to find and destroy marijuana plants, the two-week intensive campaign infuriated the local county sheriffs as the cost of the operation outstripped four years of local law enforcement's normal operating budget.¹⁴⁷⁰ Protests by both pro- and anti-drug residents were ongoing as a civil liberty lawsuit was filed against the now federally-defined marijuana eradication program. As the NEW YORK TIMES commented in 1990, "for many, the war on drugs became too much like real war" as residents expressed a deep belief that "the Government is out to get their whole culture."¹⁴⁷¹

As the rift between those within Humboldt and the powers from outside continued to grow, the natural world seemingly advanced an agenda to erase infrastructural ties to the closest urban center in San Francisco. Rainy winter storms literally wiped out the only railway line connecting the San Francisco Bay Area to Humboldt County in 1993, 1995, 1997 and 1998.¹⁴⁷² By 1998, as the carloads of lumber diminished from 250 per day in the 1970s to less than 600 per month, the economic necessity to rebuild the railway evaporated with the limited availability of lumber to cut.¹⁴⁷³ No longer safe to operate and too expensive to repair, the Northwestern Pacific Railroad

¹⁴⁶⁵ *Id.* at 65.

¹⁴⁶⁶ *Id.* at 65-68.

¹⁴⁶⁷ *Id.* at 67.

¹⁴⁶⁸ *Id.* at 51.

¹⁴⁶⁹ Katherine Bishop, *Military Takes Part in Drug Sweep and Reaps Criticism and a Lawsuit*, NEW YORK TIMES, A12 (Aug. 10, 1990).

¹⁴⁷⁰ *Id.*

¹⁴⁷¹ *Id.*

¹⁴⁷² *Ten of the Terrible Truths Behind the Northwestern Pacific Railroad*, ENVIRONMENTAL PROTECTION INFORMATION CENTER (May 2003) <<http://www.docstoc.com/docs/36756842/Ten-of-the-Terrible-Truths-Behind-the-Northwestern>>.

¹⁴⁷³ Glenda Anderson, *Humboldt County group pushes rail-to-trail conversion*, PRESS DEMOCRAT (Feb. 14, 2011).

was decommissioned in 1998 and has yet to be reopened.¹⁴⁷⁴ With the railroad services down, there is only a single transportation route for all goods to and from Humboldt County: California Highway 101. Proving that complaints of neglect voiced by the early State of Jefferson activists were not unfounded, the region to this day is exiled from the rest of California, existentially distanced from the nation's stream of commerce.

Seven years after she survived attack in Oakland, Judi Bari died from cancer in Willits, California, still waiting for a legitimate investigation as to the identity of her assailants.¹⁴⁷⁵ Further, as both logging and deep ecology activism was heating up in Humboldt, confrontations were growing in the forests marked for harvest. On December 10, 1997, Julia "Butterfly" Hill took up residence in a tree estimated to be over 1,000 years old named "Luna" by the Earth First!ers that set her up in occupation.¹⁴⁷⁶ By 1998, a young man who was from Coldspring, Texas, had become a regular non-violent occupier, living and personally protesting in old-growth forests threatened with clear-cutting by the PLC. On September 17, 1998, after a heated verbal altercation with one of the finest loggers on the PLC payroll, this young man nicknamed "Gypsy" died after a massive redwood tree was cut and landed directly on him.¹⁴⁷⁷ The man who harvested the deadly tree was A.E. Ammons. Days later, David "Gypsy" Chain's service was held in the community where the young man grew up at the Grand View Funeral Home in Pasadena, Texas.¹⁴⁷⁸ He was buried a mere 29 miles from Maxxam, Inc.'s corporate headquarters, the very target of his most vehement non-violent protest.

Although Ammons had been selected as the best of the loggers in the PLC, even demonstrating his skills to Mr. Hurwitz himself, no criminal charges were found to be necessary for prosecution.¹⁴⁷⁹ The worst official repercussion that occurred for the PLC was that in October, the California Department of Forestry revoked the PLC's timber harvest license for a six-month period due to the escalating number of harvest infractions. Blood tests on Gypsy's body at the time of death found that the victim had regularly consumed marijuana in the past month.¹⁴⁸⁰

¹⁴⁷⁴ *Ten of the Terrible*, supra note 1472.

¹⁴⁷⁵ Nicholas Wilson, *Judi Bari Dies But Her Spirit Lives On*, REDWOOD SUMMER JUSTICE PROJECT (2002) <<http://judibari.org/bari-obit.html>>.

¹⁴⁷⁶ BEACH, *supra* note 1449, at 99.

¹⁴⁷⁷ *Id.* at 11 and 18.

¹⁴⁷⁸ *Id.* at 122.

¹⁴⁷⁹ *Id.* at 155.

¹⁴⁸⁰ *Id.* at 134 and 244. Beach writes that based on his interviews, Chain had not consumed marijuana on the day of his death due to Earth First! policy against drug use prior to protest activities. Rather, Beach outlines the general culture in Humboldt, where it is largely more acceptable to consume pot than it is to consume a capitalist product like Pepsi. He also outlines another truth of the region, that weed is many times easier to purchase and consume than any other drug (legal or otherwise) found typically in the rest of the United States.

In his final report, Humboldt County's District Attorney Terry Farmer concluded that his office would not prosecute anyone regarding the accidental death of David Chain, stating that:

The death of David Chain was a tragedy that need not have occurred. It is the culmination of at least 10 years of conflict between two forces, each of which wraps itself in the self-appointed mantle of righteousness and claims the moral high ground. Each pushes the limit of the law and then demands that the criminal justice system resolve the conflict, presumably to its favor. The criminal legal system cannot do this. It should not try to do this. Our criminal justice process depends on consensus, a community's shared values as expressed in its laws and the community's administration of those laws. When that consensus breaks down, our system can't work. Sometimes people die.¹⁴⁸¹

D.5.1.1.5. Compassion Affords Satisfactory Change

In this same decade, tragic incidents leading to death were not limited to the environmental wars waged in the groves of old-growth redwood trees. The NEW YORK TIMES reported of the escalating confrontations between growers and policing agents as early as 1983, violence that has forced recreational park enthusiasts off the public lands heavily used in Humboldt.¹⁴⁸² By 1985, local patrolling officers were forced to take a more offensive stance, marking the first deadly confrontation on public lands in California after finding squatters producing marijuana.¹⁴⁸³ In 1990, the U.S. Army became involved in the "pot assault" employing squads of paramilitary troops deployed by helicopter. After years of open battle, even the local sheriffs and police departments became so frustrated with the punitive tactics of CAMP they openly rejected their activities in the region: "Their results speak for themselves, and they are not good."¹⁴⁸⁴

Nearly 300 miles south and after decades of local advocacy, in 1990 the City of San Francisco established a new avenue to pursue legalization: medical marijuana. Championed by the San Francisco Castro District's "local pot dealer," Dennis Peron began public advocacy on behalf of marijuana legalization since the early 1970's when Harvey Milk was campaigning for a seat on the SF Board of Supervisors.¹⁴⁸⁵ As marijuana consumption became a medically legitimate method to relieve patients from the painful side effects of AIDS and cancer treatments, Peron's cause became increasingly acceptable to San Franciscans. Exhibiting the widespread local support for limited legalization of marijuana, Peron held a Harvest Festival at Delores Park in

¹⁴⁸¹ *Id.* at 155.

¹⁴⁸² *Federal Agency Plans Armed Force to Guard Land in the West*, NEW YORK TIMES, 63 (Nov. 27, 1983).

¹⁴⁸³ *Suspected Pot Grower Slain by Law Officer*, SAN FRANCISCO CHRONICLE, 3 (Aug. 15, 1985).

¹⁴⁸⁴ Bishop, *supra* note 1469, at A12.

¹⁴⁸⁵ Strange De Jim, *A Photo History of Charismatic Gay Pioneer: Harvey Milk* (2010)

<<http://www.strangebillions.com/harvey/>>. A photo of Harvey Milk and Dennis Peron is featured where the two are in a half-hug. In the background, a large banner reads: MARIJUANA INITIATIVE.

honor of a friend who had died of AIDS in September 1990. In spite of the status of marijuana as a Schedule I drug under the Federal Controlled Substances Act, over a thousand pot activists gathered and smoked together in November 1990 as Peron was quoted as saying “hemp is the one plant that can save the world.”¹⁴⁸⁶ In one year’s time, SF voters passed Proposition P, a remarkable first step in the decriminalization of marijuana for medical uses.¹⁴⁸⁷ The act reads:

The People of the City and County of San Francisco recommend that the State of California and the California Medical Association restore hemp medical preparations to the list of available medicines in California. Licensed physicians shall not be penalized for or restricted from prescribing hemp preparations for medical purposes.

The term 'hemp medical preparations' means all products made from hemp, cannabis, or marijuana, in all forms that are designed, intended, or used for human consumption, for the treatment of any disease, the relief of pain, or for any healing purpose, including the relief of asthma, glaucoma, arthritis, anorexia, migraine, multiple sclerosis, epilepsy, nausea, stress, for use as an antibiotic, an anti-emetic, or as any healing agent, or as an adjunct to any medical procedure for the treatment of cancer, HIV infection or herbal treatment.¹⁴⁸⁸

Quickly after passage of the city-wide statute, Peron opened the first public medical marijuana center named the Church Street Compassion Center in San Francisco, specifically catering to those near death.¹⁴⁸⁹ Building upon momentum in favor of legalization in the San Francisco Bay Area, in 1995 Peron relocated to the San Francisco Cannabis Buyers Club at 1444 Market Street. By most accounts, this was the first medicinal marijuana dispensary in the nation. At the time he opened the club, the sizable four-story building became more than simply a gray-market supermarket for pot; it had become the central campaign location for the upcoming Proposition 215 ballot initiative set for November 1996.¹⁴⁹⁰ Expressing political pushback from Sacramento, then California Attorney General Dan Lungren (today Lungren is a U.S. Representative) authorized a raid of the cannabis club and shut down Peron’s operation in August 1996. Months later Proposition 215 passed and Peron reopened his groundbreaking facility as the San Francisco Cannabis Cultivators Club.¹⁴⁹¹

¹⁴⁸⁶ David Tuller, *Marijuana Fans Hold a Harvest Festival*, SAN FRANCISCO CHRONICLE, A3 (Nov. 5, 1990).

¹⁴⁸⁷ Ryan Grim, *Holder Vows To End Raids On Medical Marijuana Clubs*, HUFFINGTON POST (Feb. 26, 2009) <http://www.huffingtonpost.com/2009/02/26/holder-vows-to-end-raids_n_170119.html>.

¹⁴⁸⁸ *Proposition P, passed in November 1991*, CALIFORNIANS FOR COMPASSIONATE USE, (2012) <http://www.marijuanalibrary.org/Proposition_P_Nov_1991.html>.

¹⁴⁸⁹ Ann Harrison, *Dennis Peron on the 10th Anniversary of Prop. 215*, THE CANNABIS REPORT (Nov. 7, 2006) <http://www.cannabisreport.com/blog/archives/2006/11/dennis_peron_on.php>.

¹⁴⁹⁰ J. Craig Canada, *The San Francisco Cannabis Cultivators Club*, SANTA CRUZ COUNTY DRUG POLICY EXAMINER (Jul. 11, 2009) <<http://www.examiner.com/santa-cruz-county-drug-policy-in-san-francisco/the-san-francisco-cannabis-cultivators-club>>.

¹⁴⁹¹ Dan Levy, *200 Pot Growers Agree to Supply Cannabis Club*, SAN FRANCISCO CHRONICLE, A21 (Apr. 4, 1997).

D.5.1.1.6. Proposition 215

In June of 1995, California Assembly Bill 1529 [hereafter “AB1529”] was brought up for a vote to allow legal consumption for marijuana strictly for four different ailments: AIDS, cancer, glaucoma, and multiple sclerosis.¹⁴⁹² Although failing to pass the California legislature, the bill as titled “Californians for Compassionate Use” reified the growing tactic of excepting marijuana from the traditional “war on drugs” due to its medicinal value for seriously ill patients. Within the next year, Proposition 215 was successfully added to the November 1996 ballot for California voters, dignified as the “Compassionate Use Act.” Co-written by Dennis Peron, the initiative was broader and more open-ended than both the successful Proposition P and the unsuccessful AB1529. In November 1996, voters approved the act and exhibited a successful model for other advocates to significantly decriminalize marijuana use by state-wide elections.

As passed, Proposition 215 is a short addition to California’s Health & Safety Code, allowing patients to obtain and use cannabis with the recommendation of their doctor. Although distribution is mentioned in the original text of the act, California’s current system of dispensing marijuana was not yet fully conceived in 1996 for statutory inclusion. The language of the original Proposition 215 reads as following:

Health & Safety Code Section 11362.5

- (a) This section shall be known and may be cited as the Compassionate Use Act of 1996.
- (b) (1) The people of the State of California hereby find and declare that the purposes of the Compassionate Use Act of 1996 are as follows:
 - (A) To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief.
 - (B) To ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction.
 - (C) To encourage the federal and state governments to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana.

¹⁴⁹² John Vasconcellos, AB 1529, STATE SENATE OF CALIFORNIA, 2 (Jun. 21, 1995) <[ftp://www.lhc.ca.gov/pub/95-96/bill/asm/ab_1501-1550/ab_1529_cfa_950621_161154_sen_floor.html](http://www.lhc.ca.gov/pub/95-96/bill/asm/ab_1501-1550/ab_1529_cfa_950621_161154_sen_floor.html)>.

(2) Nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for nonmedical purposes.

(c) Notwithstanding any other provision of law, no physician in this state shall be punished, or denied any right or privilege, for having recommended marijuana to a patient for medical purposes.

(d) Section 11357, relating to the possession of marijuana, and Section 11358, relating to the cultivation of marijuana, shall not apply to a patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician.

(e) For the purposes of this section, "primary caregiver" means the individual designated by the person exempted under this section who has consistently assumed responsibility for the housing, health, or safety of that person.¹⁴⁹³

In spite of the new law, methods to distribute gray-market marijuana to the seriously ill continued to present problems for growers. Exhibiting the continued enforcement power of existing drug laws, the majority of pot dispensaries that opened immediately after passage of Proposition 215 were either shut or under serious legal persecution by April 23, 1998.¹⁴⁹⁴ Included in the string of closures was Peron's own San Francisco Cannabis Cultivator's Club.¹⁴⁹⁵ By late May of 1998, exasperated advocates from all corners of the marijuana debate met in Sacramento to discuss methods to distribute as per California's medical marijuana exception without inviting federal law enforcement. Typical of political problems that are stuck without an answer, a panel of experts was appointed to review the options discussed at the meeting and report back to the Senate Appropriations committee in due time.¹⁴⁹⁶

D.5.1.1.7. Arcata Takes the Lead in Civic Marijuana Advocacy

After witnessing CAMP's decimating assault on the rights and livelihood of Garberville, other Lost Coast communities took a more cautious approach to acting on the newly passed medical marijuana initiatives. By 1992, the local economy was horrible, the controversy over logging in the region was at full pitch, and seasonal drug raids had militarized much of Humboldt County so as to stagnate the entire society. The only thing that could conceivably worsen the near 12%

¹⁴⁹³ *Proposition 215: Text of Proposed Law*, ATTORNEY GENERAL OF THE STATE OF CALIFORNIA (Nov. 5, 1996) <<http://vote96.sos.ca.gov/bp/215text.htm>>.

¹⁴⁹⁴ Maria Alicia Gaura, *Legal Hassles Extinguishing Pot Clubs*, SAN FRANCISCO CHRONICLE, A1 (Apr. 23, 1998).

¹⁴⁹⁵ *Id.*

¹⁴⁹⁶ Glen Martin, *Summit on Medical Marijuana Finds Efforts Disjointed*, SAN FRANCISCO CHRONICLE, A16 (May 27, 1998).

unemployment rate would be a major earthquake, which hit Humboldt in late April.¹⁴⁹⁷ Adding insult to injury, hundreds of acres of property previously forfeited to the government due to illegal marijuana cultivation were by 1992 regularly purchased at auction by the PLC for intensive harvest.¹⁴⁹⁸ Locals were understandably paranoid that the U.S. Government was out to get them, as drug laws literally reappropriated property from the local population and off-loaded it at a discounted price to the Houston-based Maxxam Corporation for immediate clear-cutting.¹⁴⁹⁹

Realizing that something had to be done to lead the region out of stagnation, in 1996 residents of Arcata began to conceptualize a new relationship between law enforcement, the economy, and marijuana distribution. Regional sheriff's and police departments were already singed at the manner and results of CAMP raids after 1987, many believing that Humboldt County had simply become a symbolic demonstration of overzealous, draconian federal power.¹⁵⁰⁰ Local judges agreed, finding against CAMP organizers and forcing the interagency task force to negotiate a Memorandum of Understanding [hereafter "MOU"] with each County's Board of Supervisors. The final MOU required all operational details be reviewed and approved by each County Board before CAMP raids could commence.¹⁵⁰¹ By 1997, Humboldt County growers had regained their communal baring and were among the 200 producers who openly contracted to supply marijuana to Dennis Peron's San Francisco Cannabis Cultivators Club.¹⁵⁰²

In 1999, the Civil Liberties Monitoring Project [hereafter "CLMP"] reported on the success of Arcata's new Proposition 215 identification card system, executed as a collaborative approach between a single community dispensary, the city's police department, and county law enforcement officials.¹⁵⁰³ Although CLMP initiated as a later, more sophisticated iteration of the Citizens Observation Group mentioned previously, issues of marijuana decriminalization became important to the group as such measures afforded a decreased motivation for law enforcement agents to violate residents' civil liberties. CLMP's article paraphrases the guidelines for legal cultivation issued by Humboldt County District Attorney Terry Farmer, the same prosecutor that refused to pursue criminal charges in the death of David "Gypsy" Chain. Here, the article outlines the genesis of the Proposition 215 ID card as it was conceived in 1997:¹⁵⁰⁴

¹⁴⁹⁷ Carl T. Hall, *Economy Also Jolted in Humboldt County*, SAN FRANCISCO CHRONICLE, A6 (Apr. 28, 1992).

¹⁴⁹⁸ Jeff Peline, *Timber Firm Has Growth Problem*, SAN FRANCISCO CHRONICLE, B1 (Jul. 14, 1992).

¹⁴⁹⁹ *Id.*

¹⁵⁰⁰ Bishop, *supra* note 1469, at A12.

¹⁵⁰¹ Glen Martin, *North Coast Resumes Its Habitual Harvest*, SAN FRANCISCO CHRONICLE, A13 (Oct. 7, 1996).

¹⁵⁰² Levy, *supra* note 1491, at A21.

¹⁵⁰³ Marie Mills, *Medical Marijuana Update*, CIVIL LIBERTIES MONITORING PROJECT (Spring 1999) <<http://www.civilliberties.org/spr99mm.html>>.

¹⁵⁰⁴ Laura Hamburg, *Law and Disorder*, SAN FRANCISCO CHRONICLE, 1 (Mar. 26, 2000).

In Arcata, the Humboldt Cannabis Center Trust has been identified as a model medical grow and distribution center. The center is a cooperative of medical marijuana patients. Arcata Police Chief Mel Brown issues photo identification cards bearing his signature to people who voluntarily register as medical marijuana patients. As a precaution against federal harassment, Brown keeps no record of who applies for an ID card, and has no file on those who use a card. The Humboldt Cannabis Center and Brown have a cooperative relationship in their efforts to implement Prop. 215.¹⁵⁰⁵

Not long after Arcata successfully created the verification system with local law enforcement, other communities and counties followed the model. After increasingly widespread adoption, in 2003, Arcata's system was codified as state law with the passage of California Senate Bill 420 [hereafter "SB420"]. Titled the *Medical Marijuana Program Act*, the law states in section 11362.71(a)(1) of the Health & Safety Code that:

The department [State Department of Health Services] shall establish and maintain a voluntary program for the issuance of identification cards to qualified patients who satisfy the requirements of this article and voluntarily apply to the identification card program.¹⁵⁰⁶

See **FIGURE 234** to review on such card as prescribed by SB420 legislation. Following this general statement, the statute outlines in relative detail the statewide application of a system much like the one practiced in Arcata. Instead of requiring a local police chief to personally sign every identification card as was practiced in Arcata, the cards are approved and vouched for by actual caregivers based on their own professional recommendation. In review of **FIGURE 237**, the recommendation is written so as to verify that the doctor giving the recommendation is also the authorized signatory to certify the patient as a legitimate recipient of medical marijuana.

More importantly for an architectural study of the movement, SB420 solidified the definition of the appropriate built environment for medicinal marijuana cultivation. Section 11362.77(a) reads:

A qualified patient or primary caregiver may possess no more than eight ounces of dried marijuana per qualified patient. In addition, a qualified patient or primary caregiver may also maintain no more than six mature or 12 immature marijuana plants per qualified patient.

This six mature/12-immature plant limitation led to a general 10' X 10' (100 square feet) grow space per patient norm for most counties and municipalities that allowed cultivation. This

¹⁵⁰⁵ Mills, *supra* note 1503.

¹⁵⁰⁶ CA. Health & Safety Code, ch. 6, div. 10, §11362.71(a)(1).

standard was already a regular rule of thumb observed in the early adopting localities under Proposition 215, and continues to act as a standard in Dunsmuir, Eureka, Ft. Bragg, Humboldt County, San Francisco, Santa Cruz, Sebastopol, and Sonoma County.¹⁵⁰⁷

At some point between the general election of Proposition 215 and California's legislative passage of SB420, Arcata realized a leadership role in promoting this gray-market commodity. As Arcata was already famous as an origin for the highly potent sinsemilla plant, at some point after 1996 it is rumored that local residents took it upon themselves to economically counter-strike against the disenfranchising impact of the strangled economy. According to community legend, immediately after the final Northwest Pacific Railroad haul in 1998, local Arcata growers released a new hybrid of the "Trainwreck" strain to regenerate the Humboldt County economy from within. As the original Trainwreck strain was created in the late 1970s in Honeydew, California, this new strain was refined in Arcata so as to grow faster, deliver an enhanced medicinal impact, and afford an uncompromising resilience against pests and disease.¹⁵⁰⁸ Perhaps more important for its marketability, the Arcata-based Trainwreck strain delivers "a nearly incapacitating package of mental effects that can be overwhelming to many patients."¹⁵⁰⁹

D.5.1.1.8. Compromise is Embraced for Greater Civility on the Lost Coast

Fortunately for many in Humboldt County, an incapacitating, homegrown remedy was exactly what was needed after the decade of constant environmental protest, paramilitary police raids, and the liquidation of the local logging economy by an out-of-state company. On September 28, 1996, the Federal Government, the State of California and Maxxam, Inc. came to an agreement as to the terms of a major land sale to preserve a hamlet of endangered species habitat.¹⁵¹⁰ On March 1, 1999, the final agreement was authorized and the conveyance of the Headwaters Forest in Humboldt County was passed from the Pacific Lumber Company into the dual ownership of the U.S. Secretary of the Interior and the State of California.¹⁵¹¹ The eventual Headwaters Forest

¹⁵⁰⁷ *Local Medical Marijuana Cultivation & Possession Guidelines Under California State Law SB 420*, CALIFORNIA NORML (2012) <<http://www.canorml.org/prop/local215policies.html>>.

¹⁵⁰⁸ It must be noted that due to the general illegality of marijuana production and the limited number of verifiable sources of information on contemporary cannabis cultivation, much of the given narrative is to outline a common theme recanted often in Arcata. It was an important even when the Northwestern Pacific Railroad quit operating. It is important that Trainwreck has its origin story in Arcata, per se. It is important to the region that marijuana continues to be produced there, and is recognized as a legitimate component of the local economy.

¹⁵⁰⁹ Ry (pseudonym), *Trainwreck Strain Information*, CANNABIS EDUCATION (2010) <<http://www.kindreviews.com/11/train-wreck/>>. The integrity of this source is not on par with most of the other sources used for this paper. Rather, I am including the quote as it is a reiteration of the common reaction most users have had to pure Trainwreck upon consumption.

¹⁵¹⁰ *Headwaters Forest and Elk River Property Acquisition*, HR 2107, 105th US CONGRESS, pg. 69, title V, §501 (1998).

¹⁵¹¹ Headwaters Forest Reserve Resource Management Plan and Final EIS/EIR, U.S. DEPARTMENT OF INTERIOR, ch 1 - pg 2 (Sep. 2003).

Preserve is a 7,472 acre tract that included 3,088 acres of virgin old-growth redwood forest surrounded by 4,384 acres of previously harvested forest and brushland, a massive tract that was purchased for \$380 million dollars.¹⁵¹²

Most in Arcata would agree that coinciding closure of the Northwest Pacific Rail and the final authorization of the agreement on the Headwaters Forest Reserve were anything but coincidental. After years of negotiation with Federal and State legislatures, Maxxam, Inc. finally found a deal they could not refuse for the sale of the last old-growth redwood forest still in private hands. As the available logging territory decreased, the local economy based on this resource extraction diminished until the Pacific Lumber Company (one of the two last companies still operating in the county) filed for bankruptcy by 2007. In the wake of this major shift, new efforts to exploit the gray-market cannabis trade had already taken hold. To the strange delight of local, small-scale marijuana growers in the Emerald Triangle, the pot trade remained a strictly illegal enterprise according to federal drug enforcement agencies, therefore dramatically increasing the profitability of cannabis distribution on a national scale.

In 1998, after DEA agents shut down a marijuana cooperative in Oakland, the United States sued the cooperative to indefinitely enjoin the cooperative from ever cultivating or distributing marijuana. The cooperative lost the case at the District Court, but won on appeal at the 9th Circuit Appeals Court based on a “medical necessity” claim made by the defendants. This short-term victory gave ample opportunity for the U.S. Supreme Court to weigh in on the new medical marijuana decriminalization trend occurring in progressive states. With a relative short opinion in 2001, the Supreme Court held without dissent that there was no “medical necessity” exception allowed by Section 841 of the U.S. Controlled Substances Act, therefore reifying the illegal status of marijuana per explicit federal statutory law.¹⁵¹³

In 2005, the U.S. Supreme Court had a second chance to review the legality of California’s pioneering medical cannabis law, this time based on broader constitutional grounds protecting the State’s rights to become civic “laboratories” for the nation.¹⁵¹⁴ Again, the court found that the state law was in conflict with the Controlled Substances Act, suggesting the best manner to legitimize the state marijuana program and make it legal according to federal law would be to employ statutory

¹⁵¹² HR 2107, *supra* note 1510, at 68 - 69. The U.S. Government contributed \$250 million from the Land and Water Conservation Fund and the State of California contributed the other \$130 million for the combined \$380 million purchase price.

¹⁵¹³ U.S. v. Oakland Cannabis Buyers Cooperative, 532 U.S. 483, 5 (2001).

¹⁵¹⁴ Gonzales v. Raich, 545 U.S. 1, 1 of O’Connor diss. (2005).

procedures for the reclassification of Schedule I drugs. But perhaps even more important than these legal avenues is the democratic process, in which the voices of voters allied with these respondents may one day be heard in the halls of Congress.¹⁵¹⁵

In spite of the continued negative response from Washington D.C. regarding the burgeoning cannabis economy in Northern California, regional courts were regularly finding in favor of those who suffered previous episodes of inequity. Roughly five years after the death of Judi Bari (her death was unrelated to the car bombing in Oakland), a jury found in federal court that agents investigating the attempted murder of Judy Bari and Darryl Cherney on May 24, 1990, had violated the plaintiff's constitutional rights in the manner they treated the blast victims. Due to the federal agency's unfounded presumption against the plaintiffs (Bari and Cherney) as well as the lack of legitimate investigation as to the agents that placed the bomb in their vehicle, the jury awarded the victims a hefty \$4.4 million judgment against the FBI and Oakland Police Department for their ordeal.¹⁵¹⁶

More symbolic than substantive in the gesture, the state court heard a case brought by Humboldt County's prosecutor directly against PLC for violations of California's Business & Profession's code, including malfeasance, fraud, and deceptive concealment.¹⁵¹⁷ Now roundly understood as a statement of communal rejection against the company, the merits of the case were flimsy at best and lost both at the district and appeals court.¹⁵¹⁸ Another symbolic message of communal rejection came from the Arcata City Council as the local body wholly nullified the United States Patriot Act, criminalizing active compliance with the federal law within city limits.¹⁵¹⁹

Pushing further to the fringe against national trends, Arcata banned all genetically engineered organisms in the community, effective December 17, 2004. The substance of the prohibition reads:

It is unlawful for any person, partnership, corporation, firm or organization of any kind to sell, distribute, propagate, cultivate, raise or grow seeds or crops of genetically engineered organisms in the City of Arcata, and any act in violation of this provision is declared to constitute a public nuisance.¹⁵²⁰

After years of legal attempts to remedy the harm already suffered in Humboldt County by local residents, a primary culprit in the widespread communal rift finally buckled under the weight of

¹⁵¹⁵ Gonzales v. Raich, *supra* note 1514, at 31.

¹⁵¹⁶ *Civil Rights Still Count*, SAN FRANCISCO CHRONICLE, A28 (Jun. 13, 2002).

¹⁵¹⁷ People v. Pacific Lumber Company, 158 Cal. App. 4th 950, 70 Cal. Rptr. 3d501 (Jan. 10, 2008) *complaint filed by Humboldt County District Attorney Gallegos* (Feb. 24, 2003).

¹⁵¹⁸ People v. Pacific Lumber Company, 158 Cal. App. 4th 950, 70 Cal. Rptr. 3d501 (Jan. 10, 2008).

¹⁵¹⁹ ARCATA, CA. (Defending Civil Rights & Liberties), title II, ch. 2, art. 5, §§ 2190 – 2195 (2003).

¹⁵²⁰ ARCATA, CA., title V, ch. 10.5, §§ 5920 – 5960 (2004).

its own corporate practices. As briefly discussed previously, in January of 2007 the PLC filed for Chapter 11 bankruptcy protection, advocating a plan to the court to sell the remaining PLC properties to the Mendocino Redwood Company.¹⁵²¹ By late 2008, the plan was all but finalized as the remaining Humboldt County property held by the PLC was transferred to an environmentally-friendlier¹⁵²² company that was majority-owned by the same family that created the Gap, Inc. retail empire. Both to the relief and eternal frustration of local residents, Maxxam, Inc. finally left Humboldt County.¹⁵²³

D.5.1.1.9. Self-Restraint in the Trade of Medical Marijuana

As one Houston-native corporate institution was fading in influence in Northern California, a second was growing in legitimacy on the east side of the SF Bay Area. After suffering a severe auto accident, a young man named Richard Lee became a cannabis advocate after he found that marijuana consumption significantly diminished his pain during recovery.¹⁵²⁴ Although he was permanently paralyzed from the waist down after the accident, in 1992 Lee opened the first hemp-exclusive retail outlet in Houston, Texas.¹⁵²⁵ After passage of Proposition 215, Lee immediately moved to Oakland, California, to open the Hemp Research Center, an operation that along with many Humboldt County growers supplied the Oakland Cannabis Buyer's Club.¹⁵²⁶ As his business enterprises and public activism grew over the next decade, his expertise was collected into a single institution he founded in November 2007: Oaksterdam University. Oaksterdam University is a trade school residing in downtown Oakland, created to resemble a similar cannabis growing college in Amsterdam. Unlike the school in Holland, Lee's continues to this day to give equal focus to both the horticultural science (i.e. growing) and the gray-market business of cannabis distribution.¹⁵²⁷

¹⁵²¹ Tim Reiterman, *Pacific Lumber plan OK'd*, LOS ANGELES TIMES (Jun. 7, 2008) <<http://articles.latimes.com/2008/jun/07/local/me-lumber7>>.

¹⁵²² It should be noted that the Mendocino Redwood Company may only seem ecologically friendly due to their regular compliance with existing commercial lumber harvesting laws. Protests are regular against the company in Medocino County, and protestors occasionally congregate at the San Francisco Gap and Old Navy stores in response to the harvest activities of the company. One such protest website is found at www.gapsucks.org. In 1999, protestors advocated against the opening of a San Francisco Old Navy store – the largest in the world at the time – as they were simultaneously outraged by the sweatshop conditions of the company's manufacturers as well as the harvest policies of the Mendocino Redwood Company. Many protestors were fully nude, chanting "We'd rather wear nothing than wear Old Navy." See Victoria Colliver, *Old Navy S.F. store opens to a protest*, SAN FRANCISCO CHRONICLE, A (Oct. 21, 1999) <<http://www.sfgate.com/cgi-bin/article.cgi?f=/e/a/1999/10/21/NEWS14522.dtl&ao=all>>.

¹⁵²³ David Cobb, *Maxxam's sordid history with Pacific Lumber*, EUREKA TIMES-STANDARD (Jun. 12, 2008) <http://www.times-standard.com/opinion/ci_9560701>.

¹⁵²⁴ Ari Berman, *Just Say Now*, ROLLING STONE, iss. 112 (Sep. 2, 2010).

¹⁵²⁵ *Richard Lee: President & Founder*, OAKSTERDAM UNIVERSITY (2011) <<http://www.oaksterdamuniversity.com/faculty.html>>.

¹⁵²⁶ *Id.*

¹⁵²⁷ *Oaksterdam University History*, OAKSTERDAM UNIVERSITY (2011) <<http://www.oaksterdamuniversity.com/history.html>>.

Lee's positive economic influence was significant for the City of Oakland, building a grander state-wide notion that marijuana legalization could act as a panacea for California's bleak economic outlook.¹⁵²⁸ As the East Bay suffered acute economic detriment in the 2008 crash, widespread civic support in the area pushed to authorize local development of industrial-scale marijuana production facilities.¹⁵²⁹ In spite of the momentum, such large-scale operations were beyond even the most liberal interpretation of the current law's scope of gray-market marijuana authorization. So as to proactively remedy this barrier to economic prosperity, Lee co-wrote Proposition 19, and like Dennis Peron in the late 1990's promoted the proposition from his administrative headquarters in broad daylight from a downtown location in a major SF Bay Area city.¹⁵³⁰ Lee's efforts were popular at the start, easily gathering the necessary signatures for placement on the state-wide November 2, 2010, general election ballot employing the \$1.3 million budget Lee himself fronted for the initiative.¹⁵³¹

In spite of early signs the proposition would win, Proposition 19 lost the election 53.5% to 46.5%. In spite of the disappointment in Oakland, other liberal news outlets across the nation were encouraged that the complete decriminalization of marijuana garnered nearly a 50% approval in *any* general election. Many were surprised of the loss as most close to the politics of smoking believe that California will be the first state to simultaneously legalize pot and ban all tobacco consumption. Strangely, as the election approached, activists against complete legalization gained ground until they were ultimately effective in preventing marijuana decriminalization.

At the time of my survey of Arcata, there was a regular murmur regarding the Proposition 19 election, as most in the community were actually worried the measure would *pass*. Anecdotally, there are two "worst fears" recanted with discussion of California's plight to wholly legalize marijuana consumption. First is the worst fear repeated by smokers and growers alike, that cannabis production will no longer be a backyard, small-scale endeavor and capital-rich tobacco companies will commodify marijuana production once the drug is adequately legalized.¹⁵³² In contrast, dispensary activists worry that any further state-based cannabis legalization will simply

¹⁵²⁸ Berman, *supra* note 1524.

¹⁵²⁹ *Id.* In his article, four new production facilities are referred to as "indoor marijuana plantations the size of football fields."

¹⁵³⁰ *Id.*

¹⁵³¹ *Id.*

¹⁵³² Peter Hecht, *Humboldt County's Pot Culture is a Boon for Some, Irritant to Others*, SACRAMENTO BEE, A1 (Dec. 12, 2009). An owner-operator of one of the four dispensaries in Arcata, California, was quoted regarding this issue of the corporatization of the medical marijuana trade:

Gasparas [owner of Arcata iCenter] fears legalization could replace Humboldt's medical growers with big agribusiness and low-grade "factory bud" that diminishes the "spiritual experience."

draw swift, harsh consequences from the federal government. This second fear fuels paranoia that if U.S. drug agencies are further inconvenienced, the infrastructure that has been built since 1996 in favor of limited and legitimate cannabis distribution will be lost with reestablished enforcement of federal anti-drug criminal codes. On the East Bay, the first fear of a commodified marijuana product was already a forgone conclusion as indoor cannabis plantations were already approved by city planners just in case Proposition 19 passed in the election. The second fear was a contributing factor in the failed election for marijuana decriminalization as growers routinely asked their customers to vote *against* Proposition 19.¹⁵³³

More important to the residents of Humboldt County, if marijuana is legalized throughout California, the price of cannabis will precipitously drop and the local Emerald Triangle economy will once again bust. In the decade after the Proposition 215, marijuana production has truly become big business for growers throughout the state. By 2009, California produced more in-state cannabis than that which was imported from Mexico.¹⁵³⁴ Further, by 2009 California alone produced 71% of all marijuana grown in the entire United States, estimated at a staggering 49,105 metric tons of pot.¹⁵³⁵

In 2006 marijuana became the nation's most lucrative agricultural product when California only managed to supply 47% of the total United States production.¹⁵³⁶ Today with 71% of the United States supply production, growers depend on both the pseudo-legality of cannabis cultivation in California while enjoying the windfall of inflated profit margins that depend on the illegality of marijuana sales outside California. Currently, growers in progressive states that have legalized medicinal marijuana regularly export a majority share of their product to those who will pay artificially high out-of-state prices.¹⁵³⁷ Put differently, growers in the states that have legalized marijuana for medicinal purposes are in a choice position to exploit the high-demand, low-supply dynamics of this gray-market product. As literally everyone seems to profit from the pot trade in Arcata, most growers were open as to their crop management methods when asked at the survey of dispensaries in town. After just a few minutes of discussion, growers usually boasted they only sell a portion of their weed to the local cooperatives, reserving a larger share of "Humboldt Gold" for black market buyers who take the product to the eastern and southern

¹⁵³³ Even Dennis Peron stated that marijuana was not a recreational drug, stating rather that all pot users were using for medical reasons. See Hadley Robinson, *Local Marijuana Advocate Says No on Prop. 19*, MISSION LOCAL (Sep. 22, 2010) <<http://missionlocal.org/2010/09/local-marijuana-advocate-says-no-on-prop-19/>>.

¹⁵³⁴ Bill Ruzzamenti (Executive Director), Marijuana Production in California, CENTRAL VALLEY CALIFORNIA HIGH DENSITY DRUG TRAFFICKING AREA (HIDTA), 2 - 3 (Jun. 4, 2010).

¹⁵³⁵ *Id.* at 6. This report says that California may actually supply as much as 79% of the total marijuana consumed throughout the United States.

¹⁵³⁶ Jon Gettman, *Marijuana Production in the United States*, THE BULLETIN OF CANNABIS REFORM, 3 (Dec. 2006).

¹⁵³⁷ *Id.* at 12.

United States. Not to be taken facially as true, these informal conversations are important in that they contribute to the findings of other research materials, as well as the reasoning for the constant push-back applied by federal agents against a functioning cannabis economy.

Regardless of intention, the success and notoriety of Arcata as the epicenter of Humboldt's cannabis culture has grown wildly out in the decade after Proposition 215 passed. By 2008, informal rumors estimated that at least one in four houses in the small town were indoor grow houses for the pot trade. Others flipped the numbers, stating that only one in four *did not* grow wholesale-scale magnitudes of marijuana. Impossible to know the true statistics, it is clear that the overwhelming skunk smell and the all-too-frequent house fires started by jimmy-rigged electrical services created a public nuisance that required immediate collective remedy.¹⁵³⁸ On May 7, 2008, the City Council responded by placing a moratorium on all new medical marijuana dispensaries. While the moratorium was in place, Arcata's elected legislative body endeavored to create the nation's first comprehensive zoning code for all marijuana production as prescribed legal under Proposition 215.¹⁵³⁹

After lengthy deliberations regarding the appropriate zoning definition for the medical cannabis dispensary as traditionally operated in California since 1996, both the Planning Commission and the City Council were in a quandary as to *where*¹⁵⁴⁰ to allow dispensaries to operate in the established and typical zoning paradigm. The following outlines the crux of the urban quandary as it was discussed prior to the declaration of an emergency moratorium in the city chambers:

C. On February 26, 2008, the City of Arcata Planning Commission delivered a Code Interpretation of the LUDG [Land Use and Development Guide] on several topics related to Medical Marijuana Dispensaries as follows:

1. Is the "Dispensing" of processed medical marijuana a "Medical Office" type "Use" as the term is utilized by the LUDG? – YES; Vote = Yes–7; No–0.

The Planning Commission determined "Dispensing" of processed medical marijuana is a "Medical Office" type "Use." Based on such determination Staff requested the following determinations:

- a. Is the commercial scale "Growing" of medical marijuana, as proposed by the applicant, allowable in a "Medical Office" type

¹⁵³⁸ Mandalit Del Barco, *Marijuana Sales Boost Northern California County*, NATIONAL PUBLIC RADIO (Nov. 30, 2009) <<http://www.npr.org/templates/story/story.php?storyId=120957840>>.

¹⁵³⁹ ARCATA, CA., Interim Ordinance No. 1376 (2008).

¹⁵⁴⁰ ARCATA, CA., No. 1376, *supra* note 1539. Specifically, item "K." of the ordinance discusses which zone to allow cannabis dispensary operations to occur.

“Use” as the term is utilized by the LUDG? NO; Vote = Yes–0; No–5; Abstain–2.

b. Is the commercial scale “processing” of medical marijuana, as proposed by the applicant, allowable in a “Medical Office” type “Use” as the term is utilized by the LUDG? NO; Vote = Yes–0; No–5; Abstain–2.

c. Is the commercial scale “Growing” of medical marijuana, as proposed by the applicant, an allowable “Accessory Use” in a “Medical Office” as the term “Accessory Use” is defined by the LUDG? – NO; Vote = Yes–1; No–4; Abstain–2.

d. Is the commercial scale “processing” of medical marijuana, as proposed by the applicant, an allowable “Accessory Use” in a “Medical Office” as the term “Accessory Use” is defined by the LUDG? NO; Vote = Yes–2; No–4; Abstain–1.

2. Is the “Growing” of medical marijuana at the scale proposed by the applicant an “Agriculture” type “Use” as the term is defined by the LUDG? – YES; Vote = Yes–6; No–1.

The Planning Commission determined “Growing” of medical marijuana at the proposed scale is an “Agriculture” type “Use.” Based on such determination, Staff requested the following determinations:

a. Is the “Processing” of medical marijuana an allowable “Accessory Use” of an “Agriculture” operation that “Grows” medical marijuana on-site? – YES, when located in an agricultural zoning district. Vote = Yes–6; No–1.

b. Is the “Dispensing” of processed medical marijuana an allowable “Accessory Use” of an “Agriculture” operation that “Grows” medical marijuana on-site? – NO; Vote = Yes–1; No–6.

...

F. At present, the City is aware of four medical marijuana dispensaries and/or uses that operate within the City, which variously include growing and processing components as well as interactions with the public for the dispensing of the medical marijuana. These operations are set out in Exhibit A, attached hereto and incorporated herein.

G. Based on building plans submitted by three of said medical marijuana dispensaries, approximately 5500 square feet of space is dedicated to growing medical marijuana in the City’s Central Business District.

H. During the last year, the City has seen an increase in the number and interest in citing more medical marijuana facilities.¹⁵⁴¹

¹⁵⁴¹ ARCATA, CA., No. 1376, *supra* note 1539.

Within a community of 17,000 residents, four dispensaries simultaneously employing horticultural operations, production processing and sales very near the central business district can overwhelm even the most tolerant residents. Even so, this primary mechanism of economic activity also deserved the City Council's full attention to find a unique, *other* zoning paradigm to support this focal cultural export for the community. On November 19, 2008, the City Council did that by passing Ordinance 1382: Arcata Medical Marijuana Zoning Standards.¹⁵⁴² The City of Eureka passed a similar comprehensive marijuana ordinance on September 7, 2010.¹⁵⁴³

Prior to the published zoning standards in November 2008, it was rumored that a cannabis district could be a possible outcome of the City Council's legislative action. This district could be located on the west side of Arcata in the "Industrial Limited" zone that sandwiches the now defunct railroad line, where the Arcata iCenter (Notation #4) is located. Telling both of the difficulty of coordinating such a reconfiguration and the breadth of communal investment Arcatans have in the pot industry, this pioneering zoning statute attempts to diffuse the nuisances associated with the cannabis trade over the whole city rather than intensify them within a single defined industrial zone. This deference for a democratic, yet severely limited approach to managing the odor, traffic and "riff-raff" associated with marijuana production aligns well with the legislative intentions of the State of California's Compassionate Use Act.¹⁵⁴⁴ In a paper delivered to the League of California Cities, City Attorney Nancy Diamond cites as precedence for action the California Attorney General's *Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use*,¹⁵⁴⁵ seen by many medical marijuana advocates as a critical impetus for creating the Arcata zoning standard in the form as realized.¹⁵⁴⁶

In direct response to the series of perplexing issues raised in the Findings of Emergency Moratorium passed on May 7, 2008, the City Council of Arcata pragmatically approached the medical marijuana distribution system within the typical zoning statute paradigm. In essence, the local statute clearly defines limitations on the magnitude of nuisance-causing activities. Further, for those activities that breed inherently offensive byproducts unfit for a neighborhood setting, such activities are parsed away from the dispensary function and relocated on the fringes

¹⁵⁴² ARCATA, CA. (Medical Marijuana: Cultivation & Dispensing), title IX, ch. 9, § 9.42.105 (2008).

¹⁵⁴³ EUREKA, CA. (Medical Cannabis: Cultivation, Processing and Distribution), ch. 158 (2010).

¹⁵⁴⁴ The major "right" afforded by Compassionate Use Act as refined in Senate Bill 420 is clearly outlined in §11362.77 (a) allowing a patient or primary caregiver to "possess no more than eight ounces of dried marijuana per qualified patient ... and to maintain no more than six mature or 12 immature marijuana plants per qualified patient." Here, the specific, per patient allocation of allowable cannabis cultivation infers a democratic, low intensity system of marijuana distribution directly related to patients who necessitate use of the drug.

¹⁵⁴⁵ Edmund G. Brown, Jr., Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, OFFICE OF THE ATTORNEY GENERAL (Aug. 2008).

¹⁵⁴⁶ Nancy Diamond, City of Arcata Zoning Standards for Medical Marijuana: An Example of Comprehensive Regulation, 5, LEAGUE OF CALIFORNIA CITIES SPRING CONFERENCE, 5 (May 5-7, 2010).

of the city. Below are the methods employed by the statute to remedy the pending nuisance of the booming medical marijuana trade in Arcata.

First and foremost, the statute bans “grow houses.” A “grow house” is a single-family home located in a low-density residential zone that has been completely converted into an indoor horticulture operation behind the guarded walls of the structure.¹⁵⁴⁷ Although continuing to allow small, single-patient-scale indoor grow areas of 50 square feet or less, section 9.42.105 (D.) strictly defines the limitations of medical marijuana production for personal use. In-home pot cultivation is only allowed in a residence that logistically performs as home (“residence must maintain kitchen, bathrooms, and primary bedrooms for their intended use”), includes light limitations (1200 Watt), meets fire-safety building requirements (1-hour fire wall), and includes a mandatory condition that the patient needing the medical cannabis reside in the home. These rules allow City police authorities ample opportunity to address the “grow house” epidemic that has diminished community values in Arcata since the passage of the Proposition 215.¹⁵⁴⁸

Second, the statute limits grow operations within any single dispensary to a fixed volume: 1,500 square feet of floor space, not to exceed ten (10) feet in height.¹⁵⁴⁹ Any cannabis deemed necessary beyond that which can be produced from that limited volume onsite must be produced off-site. Off-site production that is conducted within the City of Arcata’s limits is also governed by the zoning statute, as each off-site production site must be coordinated and legally bound with one of the community dispensaries.¹⁵⁵⁰

Here, if the dispensary cannot grow enough medical marijuana utilizing the allowed on-site 1,500 square foot grow area, nor can it not attract an appropriate amount of banked/bartered cannabis from qualified patients,¹⁵⁵¹ the dispensary is required to bifurcate its growing/processing operations from its retail “Medical Office” dispensary storefront.¹⁵⁵² This bifurcation allows the City Council an opportunity to mitigate the nuisance caused by greater

¹⁵⁴⁷ An illustrative demonstration of the typical California “grow house” was fictionally documented in the 2nd season of the Showtime series *Weeds* released in 2006.

¹⁵⁴⁸ ARCATA, CA. §9.42.105, *supra* note 1542.

¹⁵⁴⁹ *Id.*

¹⁵⁵⁰ ARCATA, CA. §9.42.105, *supra* note 1542, at (F).1.d., Specific Regulations. The statute reads here “The medical marijuana cultivation and processing facility must be permitted in conjunction with an associated medical marijuana cooperative or collective in accordance with applicable zoning regulations from the jurisdiction in which it is located.”

¹⁵⁵¹ Under the new zoning statute as written, it is doubtful that dispensaries could receive the necessary volume of product from qualified patients to be redistributed to the dispensary’s own patient clientele. Under the zoning statute, qualified patients with additional medical marijuana product cannot receive remittances for giving up their surplus to any Arcata dispensary. Without a financial benefit to giving up the patient’s surplus, a qualified patient growing their own supply to the dispensary is simply left with the option of “banking” their own medical marijuana supply for a future date. *See* ARCATA, CA. §9.42.105, *supra* note 1542, at (E)1.c.(3) Qualified Patients.

¹⁵⁵² *Id.*

quantities of cannabis growth, a horticultural enterprise found inappropriate by the Planning Commission for the “Medical Office” use in commercial zones of the community.¹⁵⁵³ In essence, by design of the local statute, each dispensary will grow the majority of its product in a warehouse or agricultural zone, truck the processed product to a central dispensary, and then sell the medicine from a “pharmaceutical” office in more retail-convenient areas of the community.

Returning to the essential nature of zoning laws as practiced in the United States, this statute directly responds to the nuisance associated with the otherwise positive cultural phenomenon that has found its center in Arcata. Perhaps attempting to refute the adage that “dilution is not the solution to pollution,” Arcata’s City Council has attempted to reduce the concentrations of community-experienced nuisance by reducing the overall cannabis production in residential and commercial areas. Rather than push production out-of-town, the City has envisioned that over time, the origination point of the community’s marijuana supply will grow with gusto in the industrial and agricultural zones of the city.¹⁵⁵⁴ Mapping a future whereby all of Arcata’s cannabis trade occurs outside the Central Business District, this statute explicitly outlines how the number of dispensaries will be reduced from the four (4) established at the time of the moratorium, to an eventual two (2) total in the community. In addition, not only will the production operations reside in the industrial and agricultural zones of the city, at which time existing dispensaries wish to re-establish their operations in a new retail storefront, relocation will be required into the city’s industrial zones.¹⁵⁵⁵

Reiterating the “nuisance” theme of the statute, twice the City Council has inserted a catch-all clause regarding the intention of the local authority’s exercise of power to mitigate the overwhelming impacts of local marijuana cultivation. Under section 9.42.105 D.1.i., it is stated:

The medical marijuana cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.¹⁵⁵⁶

Later, under section 9.42.105 F.1.c., the statute reiterates the same theme in regard to the relatively large-scale cultivation facilities:

¹⁵⁵³ ARCATA, CA. No. 1376, *supra* note 1539.

¹⁵⁵⁴ ARCATA, CA., ch. 9, §§ 9.26.030 (2008). *See* Table 2-1 and Table 2-10. “Agricultural cultivation – medical marijuana” established for relatively large-scale grow operations can be located in either the Industrial Limited [IL], Industrial General [IG] or Agricultural Exclusive [AE] zones within the City of Arcata.

¹⁵⁵⁵ *Id.* “Agricultural cultivation – medical marijuana” (that includes storefront dispensary operations according to §9.42.105) must be located in either the Industrial Limited [IL] or Industrial General [IG] zones within the City of Arcata.

¹⁵⁵⁶ ARCATA, CA. §9.42.105, *supra* note 1542, at D.1.i.

The medical marijuana cultivation and processing facility shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.¹⁵⁵⁷

As stated by the Attorney General of the City of Arcata, “the zoning standards provide only one of several methods for minimizing collateral problems associated with unregulated medical marijuana cultivation.”¹⁵⁵⁸ Here, by proactively and collaboratively addressing issues of crime, building safety and the byproducts inherent in the cannabis trade, the City of Arcata has continued to advance, as necessary, appropriate safeguards against collective exploitation. In doing so, this community supporting the marijuana movement is inventing civic models for the rest of the country to observe, refine, and if successful, follow.

D.5.1.2. It's Not Just Hippies Anymore

Less than a month before Proposition 215 was passed by the voters of the State of California, Glen Martin of the SF Chronicle wrote of the growing importance of the pot industry in the Emerald Triangle:

It's not just hippies anymore... Its grannies, loggers, Reaganites – everybody grows a little pot. It's a way to pay the mortgage, to buy clothes for your kids.¹⁵⁵⁹

This anecdotal fact pushed communities like Arcata, Eureka and the residents of Humboldt County to seriously conceptualize methods to civilize the novel position the People of California had authorized in the 1996 election. Here, above and beyond communities like Scotia, Eureka and Garberville, Arcata was in a prime position to create systems for medical marijuana distribution. First, Arcata housed the intellectual capital for the region at Humboldt State University. Second, since the 1970's, the City itself emerged as a cultural safe-haven for progressive advocacy and communal action. Finally, Arcata became a residence of choice for the gestating pro-cannabis community of the Lost Coast, housing businesses, attitudes and the ideology necessary to absorb the cultural windfall that occurred after November of 1996.

Taken as a whole, the lasting business community that directly reflected the pro-cannabis ethos of Arcata began in earnest in 1971 with the store Pacific Paradise. Over the decades, a grander collection of businesses directly invested in marijuana production and consumption grew until

¹⁵⁵⁷ *Id.* at F.1.c.

¹⁵⁵⁸ Diamond, *supra* note 1546, at 5.

¹⁵⁵⁹ Martin, *supra* note 1501, at A13.

the survey administered in 2009. Taken as a whole, the Emergent Cannabis Community of Arcata is made up of 9 elements of the built environment (See **TABLE 25**):

TABLE 25. Emergent Cannabis Community of Arcata's UAF Inventory

Overall Urban-Arch Features	FIG. #	Data Notation	Land Area	Built Area
			65.48 acres 41,773 sq. ft.	1.23 acres 55,842 sq. ft.
			SQ. FT.	SQ. FT.
The Humboldt California Association, Inc.	242, 250, 258-261	1	1,890	3,970
Humboldt Patient Resource Center	243, 250, 259, 261	2	5,232	5,232
Humboldt Medical Supply	243-244, 251, 258-259, 262, 264	3	4,000	4,000
Arcata iCenter	244, 252, 259, 263	4	2,060	2,060
Humboldt Glassblowers	244, 253, 259, 264	5	1,320	1,320
Pacific Paradise	245, 254, 259, 265	6	1,055	1,055
Humboldt Hydroponics	245, 250, 258, 260, 262	7	2,080	2,080
Water City Garden Supplies	245-246, 255-256, 258, 266-267	9	15,056	19,045
American Hydroponics	247, 256-258, 266-267	10	9,080	17,080

D.5.1.2.1. The Humboldt California Association, Inc. (Notation #1)

The Humboldt California Association, Inc. is located at 601 I Street, a location zoned within the Coastal Zone's Central Business District. Categorized as three different resources bundled together, this cooperative dispensary is popular due to its diverse selection of medicine. Here, 'Agricultural' and 'Economic-Commercial' resources are employed to directly resist the nuisance of federal marijuana criminalization. Further, 'Population & Housing' resources are afforded as an urban resource necessary for site conditions. In practice, growers many times orient sleeping quarters immediately adjacent to (or above as in this case) grow operations so as to insure they are properly cared for and secured against criminal activity. Here, the second floor appears to be used for residential needs. The Humboldt California Association, Inc. was reorganized as a not-for-profit business entity in 2007,¹⁵⁶⁰ employing an estimated 3,970 sq. ft. of mixed-use

¹⁵⁶⁰ *Business Entity Detail: The Humboldt California Association – Entity No. C3001014*, CALIFORNIA SECRETARY OF STATE (Apr. 6, 2012) <<http://kepler.sos.ca.gov/cbs.aspx>>.

occupancy. As one of the major Arcata dispensaries since 2003, this establishment is regularly referred to as the Humboldt Coop (See **FIGURES 242, 250, 258-261**).

D.5.1.2.2. Humboldt Patient Resource Center (Notation #2)

The Humboldt Patient Resource Center is located at 980 6th Street just around the corner from the Humboldt Coop, a busy dispensary that is zoned within the Coastal Zone's Central Business District. Categorized as two urban resources, this dispensary enjoys a long-time, loyal following due to its consistency of product grown on-site, as well as the inviting staff that serve the patients of the dispensary. In a string of buildings, both 'Agricultural' and 'Economic-Commercial' resources share a common leased space cobbled from a series of structures built for other previous uses. Having started in 1999 as a Limited Liability Company [hereafter "LLC"], the relatively new owners and director converted the business into a non-profit enterprise in late-2008 so as to satisfy redefined requirements issued by the State of California's Attorney General. Today, the company is a charitable corporation, operating a cannabis collective in furtherance of the organization's patient needs and in direct resistance to the nuisance caused by federal drug laws. The Humboldt Patient Resource Center is one of the original dispensaries in Arcata, a business that continues to advocate for improved cannabis practices from its robust 5,232 sq. ft. dispensary (See **FIGURES 243, 250, 259** and **261**).

D.5.1.2.3. Humboldt Medical Supply (Notation #3)

The Humboldt Medical Supply is located at 854 8th Street, a mere half-block from Arcata's downtown square and sitting adjacent to the U.S. Post Office. The dispensary shares the building with the local Rita's Mexican-food restaurant and is zoned within the Central Business District. Unlike most dispensaries in California, the Humboldt Medical Supply has taken a wholly different approach to patient service. Categorized as two urban resources, the Humboldt Medical Supply reflects both 'Agricultural' and 'Public Services' functions within the recently converted car dealership showroom, both categories directly addressing the "nuisance" of marijuana criminalization.

The 'Public Services' resource characterization reflects an early conception of the marijuana dispensary, highlighting the political origins of the California gray-market cannabis distribution system. In location, character and spatial configuration, the dispensary has been spatially designed to act as a clinic for alternative medicine. Along with the Humboldt Patient Resource Center, the Humboldt Medical Supply is one of the original dispensaries in Arcata. In stark contrast to the Patient Resource Center (and most other contemporary dispensaries), the

Humboldt Medical Supply has maintained a major function in the *diagnosis* of patients requiring marijuana treatment. Referencing **FIGURE 243**, the dispensary has space not only for growing, processing, and distributing marijuana; it also has exam rooms and a library for the actual treatment of patient needs. In fact, in order to become a member of the Humboldt Medical Supply, the administration strongly encourages patients receive direct treatment from the counselors on location. After membership is granted, the dispensary requires on-site faculty to advise with clients on a monthly basis to manage the needs of each patient and manage cannabis use based on those assessed needs.¹⁵⁶¹

Opening in 1999, not only is the Humboldt Medical Supply one of the oldest dispensaries, it was also the first to open a remodeled retail operation largely abiding by the new comprehensive marijuana zoning statute passed in Arcata on November 19, 2008.¹⁵⁶² Clear limitations to the actual grow space were acknowledged in the medical office's design and construction, allowing only 25% of the floor space to be devoted to growing cannabis.¹⁵⁶³ Due to the size of the dispensary (4,000 sq. ft.), only 1,000 sq. ft. have been used for actual indoor grow space.¹⁵⁶⁴ In addition, this dispensary continues a self-appointed mission to serve the catastrophically ill regardless of their income, providing free cannabis to patients with AIDS, Cancer and Muscular Sclerosis who make less than \$20,000 per year (See **FIGURES 243-244, 251, 258-259, 262 and 264**).

D.5.1.2.4. Arcata iCenter (Notation #4)

The Arcata iCenter is located at 1085 K Street, a strip-mall dispensary that is zoned Industrial Limited on the western side of downtown. Infamously arriving in Humboldt County with only \$100 and a ruined VW Westfalia, Stephen Gasparas opened the Arcata iCenter months after his arrival and was quickly netting a six-figure salary to operate his cannabis cooperative.¹⁵⁶⁵ This

¹⁵⁶¹ *Welcome, Humboldt Medical Supply, LLC*. (pamphlet), THE HUMBOLDT COLLECTIVE, INC. (Sep. 24, 2010). Upon visiting the Humboldt Medical Supply, agents at the dispensary hand you a pamphlet detailing the organization, requirements, and patient services offered by the faculty on-site.

¹⁵⁶² Even though agents at the dispensary stated they followed the direct guidelines of Arcata's marijuana zoning statute, the Central Business District location of the Humboldt Medical Supply does not comply with the requirement that cooperatives/collectives be located in industrial zones (Industrial Limited [IL] or Industrial General [IG]) of the city.

¹⁵⁶³ ARCATA, CA. §9.42.105, *supra* note 1542, at E.1.c.(1). The zoning statute states that "a permitted medical marijuana cooperatives' or collectives' on-site cultivation shall not exceed twenty-five (25) percent of the cooperatives' or collectives' total floor area, but in no case greater than 1,500 square feet and not exceed ten feet (10') in height." Due to this definition of the allowable grow space, if the Humboldt Medical Supply had occupied a 6,000 sq. ft. medical office space, the dispensary could have maximized the 1,500 sq.ft. grow space allowance in the law.

¹⁵⁶⁴ In spite of the strict "grow" area limitation, with processing, storage, drying and cleaning, the actual functioning space required for the agricultural function of the dispensary is 2,780 sq. ft., a whopping 70% of the total area of the "medical office" use only a half-block away Arcata's downtown square.

¹⁵⁶⁵ Mary Spicuzza, *Medical Marijuana's Eco Boomtown*, ABC NEWS: MONEY (Sep. 5, 2008) <<http://abcnews.go.com/Business/BusinessTravel/story?id=5727836&page=1#.T4T5xpMzJ8E>>.

most recent dispensary to open in Arcata is the only one of the four that is located in a zoning district deemed appropriate under the new comprehensive marijuana zoning statute. Although legally permitted to do so, the Arcata iCenter was opened in 2005 and never developed on-site grow operations. Rather, the dispensary operates the 2,060 sq. ft. space strictly on a cannabis supply sourced from local growers. Existing in a light industrial district that depended on the now-defunct railroad line that bisects its urban mass, the Arcata iCenter expresses the single “Economic-Commercial” resource category in direct resistance to the Lost Coast’s economic decline (See **FIGURES 244, 252, 259 and 263**).

D.5.1.2.5. Humboldt Glassblowers (Notation #5)

Humboldt Glassblowers is around the corner from Arcata’s square at 815 9th Street in a handsome, mixed-use downtown building. Categorized simply as an ‘Economic-Commercial’ resource, this typical head shop sells a grand variety of cannabis accessories for both tourists and locals. Opened in 1998, this business offers typical pot-friendly articles including glass pipes, pro-marijuana t-shirts, disc-golf putters, mid-range discs and drivers. Telling of the Humboldt-specific nature of this store, advertisers boast that all glasswork is designed by local artists. Affirming such advertising as well as giving credence to this locavore support, upon my survey, there were multiple large-scale wooden and metal sculptures just outside the building under active assembly. Although normally most head shops are rather dark and architecturally defensive in design, due to the openness of the cannabis industry in Arcata, Humboldt Glassblowers enjoys an environment where they are able to indoctrinate an open, well-lit and inviting business establishment offering customers 1,320 sq. ft. of retail accommodation (See **FIGURES 244, 253, 259 and 264**).

D.5.1.2.6. Pacific Paradise (Notation #6)

Pacific Paradise was established in 1971 at 1087 H Street, making it the longest running cannabis-based business enterprise operating in Arcata. Categorized simply as an ‘Economic-Commercial’ resource, this head shop is of the classic type with a dark interior filled with pro-pot stickers, pipes, disc-golf accessories, and an excessive number of t-shirt, postcard and poster options. Atypical to usual head shop offerings, this business sports a touch of the surfer/skateboarder theme popular on the California coast. Located within the Central Business District, the friendly staff at the Pacific Paradise employs the 1,055 sq. ft. floor to exemplify the easy-going, progressive nature of Arcata’s downtown (See **FIGURES 245, 254, 259 and 265**).

D.5.1.2.7. Humboldt Hydroponics (Notation #7)

Confusing many would-be marijuana patrons, the Humboldt Hydroponics storefront is located on the first floor of the same building as the Humboldt Coop at 601 I Street. This establishment occupies the former showroom of a GM car dealership, affording a massive, monumental commercial space for a plethora of hydroponic supplies and accessories. Categorized as an ‘Economic-Commercial’ resource, this major hydroponics store was opened in 2001 to capitalize on the booming marijuana industry in Humboldt County. Located within the Coastal Zone’s Central Business District and specifically distinguished from the Humboldt Coop, the line between the two appears blurred as it is difficult to recognize where the Humboldt Hydroponics store ends and the Humboldt Coop begins. Regardless, the Humboldt Hydroponics store occupies 2,080 sq. ft. of retail space on the south end of town (*See* **FIGURES 245, 250, 258, 260 and 262**).

D.5.1.2.8. Water City Garden Supplies (Notation #9)

Water City Garden Supplies is located at 148 South G Street at the southern end of Arcata across the street from the Arcata Marsh and Wildlife Sanctuary. Historically predating most growth medium stores in the city, Water City Garden Supplies was opened in 1984 as the direct retail storefront for a hydroponic manufacturing facility operating in an adjacent building at 286 South G Street. With 19,045 sq. ft. of retail space, the storefront is a massive expression of the necessary product require for contemporary grow techniques. Categorized as an ‘Economic-Commercial’ urban resource, the Water City Garden Supply exhibits a wide range of greenhouse designs, operations, and even clandestine growing facilities (*See* **FIGURES 245-246, 255-256, 258, 266-267**).

D.5.1.2.9. American Hydroponics (Notation #10)

Walking distance from the Water City Garden Supplies, the manufacturing facility American Hydroponics was opened in 1984 and is located at 286 South G Street within the Coastal Zone’s Industrial-Commercial [I-C] district. Categorized as an ‘Economic-Commercial’ urban resource, American Hydroponics has occupied one of the remaining mill warehouses left after logging took a catastrophic plunge in the 1960’s and 1970’s. Considering both the continued demand for cannabis products and the increased pressure from law enforcement after passage of the Comprehensive Crime Control Act, American Hydroponics proved to be ahead of the technology

curve by providing the next successful tactical method for cannabis growers to avoid criminal prosecution (See **FIGURES 247, 256-258, 266-267**).

D.5.1.3. ECCA as Urban-Architectural Form

Like the standing wave in front of a rock in a fast-moving stream, a city is a pattern in time.¹⁵⁶⁶

Arcata's citizens have suffered measures of inequity due to their remote location, the unsustainable harvest of an enormous cache of natural resources, and for their cultural bias in favor of an illegal form of drug consumption. Here, foreign business interests have purged the region of the redwood trees, the Douglas firs, the massive fish stocks that once were thought to be infinite. Further, greater national forces have literally attacked a centerpiece of the alternative lifestyle now seen as native to Humboldt County with the execution of punitive cannabis prosecution. This dual condition as a target of exploitation for highly valued resources (timber), and the demonization of the local population due to offending cultural bias (cannabis consumption) has led to a degree of marginalization that can be both difficult to recognize and seemingly futile to resolve.

In spite of such difficulties, after the defoliation of Mexico's marijuana crops and the limited legalization of marijuana in California, Arcata's "ecotopian" citizenry have carved away a niche of civic entrepreneurialism in an attempt to promote a method of grassroots self-help economic development. Protracting an incremental strategy to avoid offending federal enforcement powers, all the while supporting resident measures to exploit the unique gray-market marijuana trade circumstances, the City of Arcata has encouraged the *emergence* of a resilient cannabis community headquartered in their small, progressive community. Referencing **FIGURE 240**, although a multitude of minor "roots" have developed, the ultimate success of any single tactic has not yet legitimately taken hold. Although the rhizomatic roots are growing, the strength of any collective architectural expression created as resistance to the greater normative powers was lacking upon my survey conducted in September of 2010. This collective condition necessitates the term "emergent" in describing Arcata's ongoing civil experiment in the urban regulation of marijuana cultivation, distribution and consumption.

emergent, *adj.* **1.** emerging **2.** arising unexpectedly or as a new or improved development **3.** recently founded or newly independent [*an emergent nation*]¹⁵⁶⁷

¹⁵⁶⁶ Quote of John Holland used to open part one of STEVEN JOHNSON, *EMERGENCE: THE CONNECTED LIVES OF ANTS, BRAINS, CITIES, AND SOFTWARE*, 28 (2001).

emergence. a higher-level pattern arising out of parallel complex interactions between local agents¹⁵⁶⁸

In other words, today there exists an Emergent Cannabis Community of Arcata [hereafter “ECCA”] made up of ten independent agents who have realized individual objects of the built environment within Arcata. These ten buildings represent an evolving and improved development in regard to the decriminalization of marijuana, allowing a pre-UAF foundation for collective expression in the built environment.

Arcata represents a unique community in its openly cooperative approach to law enforcement, environmental stewardship, and the grassroots democratization of marijuana production in California. Publically coordinating with local law enforcement led to the creation of the “Proposition 215” identification card system that is now standard practice across the state. Early adoption of solar panels and hydroponic methods has led to an advanced horticultural expertise in creating a potent, relatively low-impact cannabis product. Finally, as of 2008, the City of Arcata’s comprehensive marijuana zoning statute has addressed that most difficult problem facing the marijuana trade: how to allow every citizen the right to grow and buy cannabis without commodifying the sacred ‘Mother’ herb of Humboldt County.¹⁵⁶⁹ In essence, the ECCA’s UAF only truly began on November 18, 2008, when the City Council adopted Section 9.42.105 Medical Marijuana: Cultivation and Dispensing.

D.5.1.4. Collective Expression of the Built Environment

The collective investment Arcata residents mutually hold in the success of the cannabis trade is an underlying premise of zoning statute section 9.42.105. First and foremost, this statute is termed by Arcata’s City Attorney as an expression of *comprehensive* regulation, potentially baring a positive impact on all residents of the community due to the potential public nuisance of unrestrained marijuana production. With the statute, all the major zoning categories of residential, commercial and industrial are impressed with an additional layer of collective meaning as enacted. In terms of residential zone impacts, this statute affords local policing agencies the authoritative “teeth” to obliterate all existing and future grow houses in the community. The statute affords a major benefit to the community’s industrial zones, as the code dictates that future cultivation, processing and (eventual) distribution be located in these zones historically established to manage the impacts of production. Finally, the major commercial

¹⁵⁶⁷ WEBSTER’S NEW WORLD DICTIONARY, *supra* note 165, at 444.

¹⁵⁶⁸ JOHNSON, *supra* note 1566, at 19.

¹⁵⁶⁹ BEACH, *supra* note 1449, at 224.

zones of the community, already dramatically boosted in value by the local cannabis market, have been afforded an opportunity to develop a second generation of retail development. As the cooperatives must slowly relocate to industrial zones, Arcata's Central Business District can continue to generally profit from the marijuana tourism all the while avoiding the negative traffic, aromatic, and potential criminal impacts induced by housing dispensary outlets.

To conceptualize on a more general basis, Arcata is a small university town that enjoys taking collective risks so as to improve the world as the residents see fit through their elected officials. Arcata has created a pattern of successful civic experiments that began with the Arcata Community Forest in 1955. Since that time the most basic communal necessities have been regulated with an egalitarian touch of progressive politics, including but not limited to sewage systems, agricultural production, personal privacy regarding information, the local harvest of resources, and since 1996, the economic balance required to successfully endorse the medicinal distribution of marijuana. The emergent urban-architectural expression of marijuana cultivation and distribution is a collective venture the citizens of Arcata are approaching together to further their own progressive, marginalized values against outside dominance.

D.5.1.5. Singular Linguistic Form in Reterritorialization

In spite of its eventual passage as a zoning statute, section 9.42.105 has taken two decades to manifest as an urban management tool meant to promote the unique local culture and economy of Humboldt County. This long-term development of an alternative civic model for marijuana tolerance had its genesis in 1990 when local residents realized the coordinated state/federal methods of drug enforcement would spare little in the eradication of a fundamental pillar (cannabis) of the region's culture. In 1990, at the height of CAMP's militarism in enforcing federal drug laws, this inter-agency police force literally employed U.S. Army personnel in their raids throughout Humboldt County.¹⁵⁷⁰ Arguably hitting bottom for the Lost Coast's peace-faring and ecologically sensitive population, the NEW YORK TIMES recorded a new truth that was realized after the raids:

For many, the war on drugs became too much like a real war. ... "People are upset about the area being trashed in the minds of the public. They feel the Government is out to get their whole culture."¹⁵⁷¹

¹⁵⁷⁰ Bishop, *supra* note 1469, at A12.

¹⁵⁷¹ *Id.* Here, the journalist is quoting Ray Raphael, "a teacher and local historian."

Initially reacting with litigation in 1990, the local opponents to CAMP's draconian efforts even found the local sheriffs and city policemen on their side.¹⁵⁷² The targeted efforts of the federal police raids created an event of solidarity, one that nurtured new efforts to imagine a marijuana tolerant free-zone that incorporated the values of the local population as meaningful civic governance. Finding solidarity in the values of contrast rather than attempt to ape global trends of commerce, Arcata became a 'marketplace of ideas' for promoting a coherent idea of life in Humboldt County. In order to project that attempt at solidarity, Arcata citizens have asserted a referential language of the built environment in open resistance to federal exercise of power in many aspects including genetically modified foods, nuclear weapons, intrusive information mining, and most important here, the unnecessary persecution of the local cannabis culture.

Referential linguistic expression is a *language of sense and of culture*, one that Deleuze and Guattari identified as Yiddish in Kafka's literary exercise.¹⁵⁷³ Put in context of space and time, the referential language is *over there*. Just as Yiddish was frightening to Czech natives in the methods Kafka employed, the redefinition of marijuana's status within a global worldview of tolerance elicits "disdain and suspicion."¹⁵⁷⁴ Here, just as Yiddish created a cerebral gateway into a "Mother" culture that was off-putting to the normative masses of Prague in the Austro-Hungarian Empire, marijuana by most is no longer viewed as wrong *per se*, but rather a gateway into an alternative lifestyle that is simply incongruent with the pre-ordained direction of contemporary society. To those in Humboldt County, this alternative lifestyle reflects a reconnection to the "Mother" of a redwood culture many hold as sacred on the Lost Coast.

Beyond simply advancing a local economic agenda for the region, the ECCA has attempted to advance a transformative communion with the local ecology, protect the peace-based social bias advanced in the region since the late 1960's, and promote a collective reconsideration of the unrestrained capitalism endemic in the present expression of globalization. Although frightening to *normal* Americans, the language selected by the ECCA builders' attempts to take the patron *over there*, through a cultural gateway where it is easier to enjoy homegrown cannabis than it is to buy a Pepsi.¹⁵⁷⁵

The individual agents of the ECCA's greater architectural movement have followed a singular linguistic path to sustain a clear referential language in minor, resistive expression. Of the nine

¹⁵⁷² *Id.*

¹⁵⁷³ DELEUZE & GUATTARI'S KAFKA, *supra* note 29, at 23.

¹⁵⁷⁴ *Id.* at 25. The treatise advances the notion that Kafka employed Yiddish to push Czech readers into an uncomfortable position, to "frighten" them in order to advance his minor political objectives in his own literature.

¹⁵⁷⁵ BEACH, *supra* note 1449, at 224.

different properties that have a direct connection to marijuana commerce in Arcata, six of such store-fronts use the word “Humboldt” or “Arcata” in their business name. The use of the “Humboldt” name alone is enough to trademark a business with the notion of the redwood-framed marijuana counterculture.¹⁵⁷⁶

Except for the two head shops which are located in traditional retail spaces, all the cannabis-based operations have reterritorialized the built environments of industries lost in shifts of the global marketplace. With the dramatic decrease of saw mills in the region, the owner of American Hydroponics/Water City Garden Supplies took up residence and redefined the spaces for hydroponic commerce. As a once thriving car culture lost favor in Humboldt County, three of the four dispensaries (Humboldt Medical Supply, Humboldt Patient Resource Center, and Humboldt Coop) redefined blighted dealership warehouse buildings into sophisticated marijuana production and sales operations.¹⁵⁷⁷ The last of the cannabis dispensaries, Arcata iCenter, is located within Arcata’s light industrial corridor running adjacent to the now defunct railroad line.

Arcata referentially took the leadership role in representing Humboldt County’s *other* culture, symbolically beginning at the point when the Trainwreck strain of cannabis was reestablished in Arcata after Honeydew lost its hold as the marijuana “capital of America.”¹⁵⁷⁸ Arcata’s rural, small-town and largely secluded setting proved to be masterful incubator for advancing the logistics of such an alternative civic assumption where marijuana is tolerated not only for the health of local patients, but as well for the economic health of the region. As everyone knows each other in such a small community, local police agents can practically work with growers, city council members can not help but coordinate with potential dispensary operators, and citizens are able to fairly benefit from collective advances made in their hometown.

¹⁵⁷⁶ A major motion picture released in 2008 followed a narrative of back-to-the-land marijuana growers at odds with the greater dominant culture was released simply under the title HUMBOLDT COUNTY, giving credence to the notion that the word “Humboldt” alone has attained a unique cultural value in contemporary society. See Darren Grodsky & Danny Jacobs (directors), HUMBOLDT COUNTY (Embark Productions, 2008). See also Alexander Cockburn, *Marijuana, Boom and Bust*, THE NATION, 9 (Apr. 19, 2010). Cockburn details a short history of Humboldt County’s protagonist role as the source for the best marijuana in the United States, explaining that the region relies on the gray-market position of cannabis in the United States to maintain its national niche in production.

¹⁵⁷⁷ Bob Doran, *Gold From Green in a Gray Area*, NORTH COAST JOURNAL (Nov. 8, 2007) <<http://www.northcoastjournal.com/news/2007/11/08/gold-green-gray-area-you-might-be-surprised-who-pr/>>.

¹⁵⁷⁸ Cockburn, *supra* note 1576, at 9. Cockburn explains Honeydew’s status as the “marijuana capital of California, if not America” in 1982. Further, most accounts of the source of the Trainwreck strain of marijuana details original development in Honeydew, with an advanced re-tooling of the strain in the late 1990s in Arcata. Due to the illegal and informal nature of the marijuana-strain development, it is impossible to verify where or how the Trainwreck strain was developed. Regardless, there is practically unanimous consensus that Trainwreck was originally sourced from Humboldt County.

This collective embrace of the gray-market marijuana culture led to the civic innovations eventually impacting public architectural expression previously discussed, including the Proposition 215 ID cards, the development of public cannabis dispensary, an economic model of high-intensity locavore agriculture, and the passage of a comprehensive marijuana zoning statute. Since November 27, 1941, on the day the State of Jefferson activists staged a rebellion of secession, the citizens of this greater region have defiantly struggled to maintain their own self-reliant and wholly unique social structure distinctly separate from the greater dominant culture. Conveying a language of this local sense and of culture, the ECCA is simply a new chapter in the region's historic struggle against outside resource exploitation and unmitigated cultural erosion.

D.5.2. Remedy with the Minor Expression

As important as the result (ends) of a resistive urban-architectural program is the process (means) by which it has been sought. As the ECCA is a recent iteration of minor civic resistance against non-native dominance, this resistance has come about in a unique manner as compared to the other cases evaluated in this paper. The cases evaluated thus far have involved communities who have experienced a catastrophic event that was followed by an orchestrated effort so as to avoid complete marginalization. For instance, this condition of potentially complete marginalization is common to the PRC's attempt to capture the Dali Lama in 1959, the structural collapse of a six story bonfire structure, or the arson-fueled riots ending in an innocent student's death. In Humboldt County, a series of marginalizing events have washed over the region in sequence without reaching any single tipping-point event. After each wave of deterritorialization, civic leadership has found a new communally current platform to regroup - including Honeydew, Garberville, and most recently Arcata - thereby establishing a roving headquarters for Humboldt residents to collectively respond to intense drug enforcement action.

The City of Arcata's lasting role as the headquarters for Humboldt resistance began immediately after Maxxam, Inc. purchased the PLC on September 27, 1985. Within months of the hostile takeover, organizations found the small, handsome and progressive community a masterful incubator for the concerted efforts necessary to resist non-local policies found offensive by Humboldt residents. Although these efforts began to combat the unabated redwood clear-cutting, activism in the region morphed to combat over-zealous persecution of the Emerald Triangle's prime agricultural export, a movement that seamlessly dovetailed into recent efforts to nurture the growing medical marijuana trade.

D.5.2.1. Employment of Rhizomatic Process of Urban Development

The ECCA's prospect of urban development has been hard-fought not only in terms of the national, anti-drug constituency from outside Humboldt; it has involved the economics of "boom and bust" resource extraction coupled with a heated ecological struggle to save the old-growth forests for which this region is known. Since the late 1960's, attempts at civic innovation faced an embattled local population as many multi-generation residents held conservative values typical of the loggers who founded the communities of Humboldt. Nonetheless, back-to-the-landers that settled in the area after the Summer of Love saw themselves as "fugitives from the 1960's and city life."¹⁵⁷⁹ After suffering poverty,¹⁵⁸⁰ frustration, earthquakes and the fog, these back-to-the-landers finally earned a right to assert ownership in the territory behind the redwood curtain, pursuing a series of tactics to buttress their homes against the exploitation and vacuous modernization they witnessed prior to their own self-exile.¹⁵⁸¹

These tactics, although all pursued to maintain the unique culture and sense of the area against the trends of globalization, exhibit independent strains of a greater locally-focused counterculture movement. Each tactic began as a reactive response to local resource, economic and social ailments; but eventually, each community of activists built a greater network that enabled the ECCA to cultivate an expression in the built environment. In the following sections, four tactics are outlined as local movements leading to the ECCA's realization, including environmental activism, cannabis activism, activism uniquely concerned with the citizens of Humboldt County, and the City of Arcata's activism in municipal governance.

D.5.2.1.1. Tactic 1: Environmental Activism

The oldest of the countercultural movements with origins in Arcata, this movement had its first major impact on local land use with the creation of the Arcata Community Forest on May 15, 1955.¹⁵⁸² Beginning simply as a land stewardship movement to protect the watershed, local timber stock, and to provide recreation to local citizens,¹⁵⁸³ early conservationists were generally

¹⁵⁷⁹ Cockburn, *supra* note 1576, at 9.

¹⁵⁸⁰ *Id.* Cockburn details how most of the back-to-the-landers were "dirt poor" over the decades between self-exile and the eventual marijuana boom, during which time the struggling residents would request their visitors to "bring marijuana."

¹⁵⁸¹ Jacob, *supra* note 301, at 241 - 249.

¹⁵⁸² *Arcata Community Forest History*, CITY OF ARCATA, (2012)

<<http://www.cityofarcata.org/departments/environmental-services/city-forests/forest-history>>.

¹⁵⁸³ *Id.*

supported by local logging companies.¹⁵⁸⁴ This cooperative trend generally continued until the Maxxam, Inc. purchased the PLC, after which a stark adversarial relationship sprung literally overnight regarding the region's timber management.

Prior to the Maxxam, Inc. buyout of the PLC, the influence in terms of environmental activism of the back-to-the-landers had already become pronounced as soon as “fugitive” hippies arrived in Humboldt. In 1971, the Northcoast Environmental Center opened as a largely journalistic watchdog against neglectful land practices.¹⁵⁸⁵ Another significant watchdog organization, the Environmental Protection Information Center [hereafter “EPIC”], opened in Arcata in 1977 to employ an assertive legal agenda against both the companies and regulatory agencies impacting Humboldt County's unique environmental resources.¹⁵⁸⁶ By 1979, Arcata's increasingly progressive citizenry passed a Multiple Use Management Plan for the Arcata Community Forest, an act leading to the municipal resource's designation as a model forest by the Forest Guild.¹⁵⁸⁷ Reflecting the sustainable balance heralded by both native loggers and ecologists, the Arcata Community Forest continues to be harvested in a sustainable manner to provide funds to internally finance forest maintenance and avoid forest-fire conditions so near the heart of the community.¹⁵⁸⁸

In 1980, the will of local environmental activists boosted the now thriving marijuana cottage industry by introducing cutting-edge 33-watt solar panels for off-grid greenhouse production.¹⁵⁸⁹ The impact of local ecologic enthusiasm in regard to cannabis production continued as local businesses introduced hydroponic systems for highly advanced grow operations.¹⁵⁹⁰ These two environmentally-sourced innovations had a dramatic impact on regional marijuana cultivation, allowing producers to wholly mask their secluded production operations from both drug enforcement agents as well as miscreant cannabis pirates.¹⁵⁹¹

¹⁵⁸⁴ BEACH, *supra* note 1449, at 30. Beach details the historically positive relationship the PLC maintained with local conservationists, in all donating 27,000 acres of prime old-growth forest to establish parks in Humboldt County. One of those parks is the Avenue of the Giants, a park with trees 1,000 years old and over 300 feet tall.

¹⁵⁸⁵ *About the NEC*, THE NORTHCOAST ENVIRONMENTAL CENTER (2012) <<http://yournec.org/node/6>>.

¹⁵⁸⁶ *About Us: EPIC*, *supra* note 1450.

¹⁵⁸⁷ Mark Andre & Michael McDowall, *Arcata and Jacoby Creek Community Forests, CA*, FOREST GUILD (Apr. 15, 2012) <<http://www.forestguild.org/Arcata.html>>.

¹⁵⁸⁸ *Id.* The first and second tier of the Arcata Community Forest's goals demonstrate Arcata's collective will to demonstrate a model of sustainable forest management. Goal (1) reads: “Maintain the health of the forest system and specifically maintain the integrity of the watershed, wildlife, fisheries, and plant resources, and their relationships and the process through which they interact with their environment.” Goal 2) reads: “Produce marketable forest products and income to the city in perpetuity, balancing timber harvest and growth.”

¹⁵⁸⁹ ROSEN, *supra* note 1441, at 49 - 52.

¹⁵⁹⁰ Arcata's local hydroponic manufacturing facility opened in 1984.

¹⁵⁹¹ Throughout the materials on marijuana growers and the incidents of violence in Humboldt County, many times growers are more concerned with major harvest theft, not police busts.

After the PLC takeover in late 1985, the degree of environmental activism grew to a previously unimaginable pitch. In addition to the heightened scrutiny on the company's multitude of timber harvest plans, EPIC took center stage in the gathering and redistribution of facts on the ground regarding the new "Maxxam" direction of the company.¹⁵⁹² Headquarters for the protest movement against the PLC's new aggressive clear-cutting policies found a home in Arcata as Darryl Cherney and Greg King opened a cell of the Earth First! organization, aptly named the Headwaters Forest Campaign.¹⁵⁹³ In the same year, Arcata's environmental movement won a major infrastructural victory with the opening of the Arcata Marsh & Wildlife Sanctuary.¹⁵⁹⁴

Environmental activism heated to restrained violence when local back-to-the-landers and loggers met on August 16, 1989, to discuss disagreements. Gunshots were fired as the meeting turned into the Whitehorn Riot.¹⁵⁹⁵ While environmentalists inched closer to their aims by whatever peaceful means available, a car bomb and an intentionally felled redwood tree killed one activist and injured two others before the Headwaters Forest deal was brokered in March 1999 between Maxxam, Inc., the U.S. Federal Government and the State of California.¹⁵⁹⁶

The real sting of federal actions in Humboldt County began in July of 1992 when massive parcels of forested property were forfeited by local marijuana growers under the Comprehensive Crime Control Act, and thereafter conveyed by auction to the PLC for expedient clear-cut harvest. Frustrating the community of environmental activists, new drug laws were now pushing increasingly sensitive lands into the inventory of unsustainable logging operations. This multifaceted attack on the culture and livelihood of Humboldt eventually married the previously separate environmental and cannabis movements for the sake of saving the local preferred way of life.¹⁵⁹⁷

D.5.2.1.2. Tactic 2: Cannabis Activism

With the exodus of hippies to the Lost Coast north of San Francisco, cannabis was integrated into the livelihoods of the back-to-the-landers as a staple crop of those "burned out" after the Summer of Love.¹⁵⁹⁸ Exactly as The Bellamy Brother's song *Old Hippie* croons, these new rural residents produced marijuana as an economic and psychological self-defense against the changes

¹⁵⁹² BEACH, *supra* note 1449, at 62. In his journalistic manner, Beach refers to EPIC's approach to challenging the PLC's plans in court as "a kind of Chinese water torture of lawsuits."

¹⁵⁹³ *Id.* at 55.

¹⁵⁹⁴ Table 5, *supra* note 1451.

¹⁵⁹⁵ BEACH, *supra* note 1449, at 59-60.

¹⁵⁹⁶ Headwaters Management Plan, *supra* note 1511, at ch 1 - pg 2.

¹⁵⁹⁷ Bishop, *supra* note 1469, at A12.

¹⁵⁹⁸ Cockburn, *supra* note 1576, at 9.

occurring outside Humboldt. By 1975, this crop originally produced for personal consumption became a lucrative black-market cottage industry after the majority of available Mexican marijuana was tainted with the defoliate paraquat.¹⁵⁹⁹

As Humboldt County became a primary source for California's exploding domestic marijuana demand, a series of techniques were employed to optimize the region's new commanding economic stimulus. By 1979, Humboldt growers adopted the sinsemilla horticultural practice originally employed in Mexico to dramatically increase female plant expression.¹⁶⁰⁰ In 1980, low-watt solar panels provided desperately needed electricity for purposefully extreme off-grid grow operations.¹⁶⁰¹ Soon thereafter, hydroponic systems were designed in abandoned homes for extensive indoor grow houses.¹⁶⁰² Providing exponentially positive impacts on production and quality, by 1982, a single grower in Mattole Valley harvested a thousand pounds of *processed* marijuana for distribution, a feat unthinkable before 1979.¹⁶⁰³

With the Comprehensive Crime Control Act, law enforcement agencies had greater breadth and budgets to frustrate the illegal drug-trade from Humboldt County.¹⁶⁰⁴ As larger and more remote properties were seized and auctioned off to support growing enforcement budgets, land was literally transferring in ownership from local residents to a global model of greed: Maxxam, Inc.¹⁶⁰⁵ As discussed previously, these acts only drew the residents of Humboldt County together as they collectively experienced an assault on their local way of life. Here, the actions of out-of-town drug enforcement teams contributed the negative image and real civil rights abuse to fuel a righteous credence to local cannabis activism.¹⁶⁰⁶

After passage of Proposition 215 in 1996, the local cannabis community worked with the county's law enforcement personnel to develop working models of legitimate medical marijuana distribution. Learning from the crackdowns executed against public distributors in the SF Bay Area after passage of Proposition P (City of San Francisco) and Proposition 215 (State of California), activists in Arcata developed an identification card system directly authorized by the

¹⁵⁹⁹ *Panic Over Paraquat*, *supra* note 1427.

¹⁶⁰⁰ Cockburn, *supra* note 1576, at 9.

¹⁶⁰¹ ROSEN, *supra* note 1441, at 48.

¹⁶⁰² There is little-to-no written work on when exactly hydroponic horticultural practices began to dominant indoor grow operations. Even so, many of the still thriving hydroponic retail outlets in Arcata opened between 1982 and 1984. American Hydroponics, the local manufacturing facility, opened in 1983 alongside a major retail location.

¹⁶⁰³ Cockburn, *supra* note 1576, at 9.

¹⁶⁰⁴ Guevarra, *supra* note 1445, at 4.

¹⁶⁰⁵ Peline, *supra* note 1498, at B1.

¹⁶⁰⁶ Bishop, *supra* note 1469, at A12.

local police chief to allow permissible cannabis sales to patients.¹⁶⁰⁷ By 2003, this system became the standard dispensary model employed throughout the State of California.¹⁶⁰⁸

As the gray-market cannabis economy normalized in Humboldt County, the unofficial capital of marijuana moved from Honeydew to Garberville, and then on to Arcata. In 1998, with the closure of the Northwestern Pacific Railroad, Arcata growers revived the status of Humboldt's native strain "Trainwreck" by refining the plant for greater potency and resilience against pests. By 2009, cannabis activists residing in Arcata earned the community the handle "Pot City, U.S.A." as programs aired on both the A&E Network and NPR's *All Things Considered* outlining the city's role in legitimizing the local cannabis economy for national audiences.¹⁶⁰⁹

Critical to Arcata's status as a civic leader in the Humboldt County cannabis economy is the seriousness with which local residents appreciate the stakes of marijuana production. As the small community was literally overwhelmed by the exploding cannabis trade in the region, city officials placed a moratorium on open dispensaries to halt the uncontrolled growth of the pot trade.¹⁶¹⁰ By late 2008, the City Council established a carefully crafted zoning statute to normalize the methods of production employing a law that touched every zoning district in the community.¹⁶¹¹ In affirmation of the quality and foresight of the zoning law, the City of Eureka followed Arcata's lead, passing its own version just two years later.¹⁶¹²

D.5.2.1.3. Tactic 3: Activism from Humboldt County

Activism specific to Humboldt County began seriously in response to the activities of CAMP. Although CAMP began in 1983, the Citizens Observation Group formed almost immediately in 1984 in reaction to the paramilitary techniques employed by CAMP agents to confiscate marijuana crops.¹⁶¹³ After Maxxam, Inc. purchased the PLC in 1985, this organization morphed to act as a general county-wide civil rights watchdog organization against the intrusive actions whose motivational dictates were sourced from outside Humboldt.

¹⁶⁰⁷ Hamburg, *supra* note 1504, at 1.

¹⁶⁰⁸ *Local Medical Marijuana Cultivation Under California State Law SB 420*, *supra* note 1507.

¹⁶⁰⁹ Tadeus Greenson, 'Pot City U.S.A.': Arcata officials react to national exposure, EUREKA TIMES-STANDARD (Oct. 21, 2009) <http://www.times-standard.com/localnews/ci_13607769>. See also Del Barco, *supra* note 1538.

¹⁶¹⁰ ARCATA, CA. No. 1376, *supra* note 1539.

¹⁶¹¹ ARCATA, CA. §9.42.105, *supra* note 1542.

¹⁶¹² EUREKA, CA. Medical Cannabis, *supra* note 1543.

¹⁶¹³ Rafferty, *supra* note 1439, at 34.

This county-wide watchdog organization achieved a major success in 1996 after winning favor with local judges to restrict the activities of CAMP operatives.¹⁶¹⁴ With such success, the Citizens Observation Group reformed as the Civil Liberties Monitoring Project and continued to fight for local residents' civil liberties against agents of both the PLC loggers and overzealous drug enforcement agents.¹⁶¹⁵ Today, the CLMP continues to organize, reflect and advocate for the civil liberties of Humboldt County's citizens.¹⁶¹⁶

D.5.2.1.4. Tactic 4: City of Arcata: Activism in Municipal Governance

Reflecting the progressive political persona of the region's citizens, the City of Arcata has endeavored to codify popular solutions to citizen concerns from the local wellspring of environmental, county-wide and cannabis activism. From an early start, Arcata's citizens were keen to protect the ecological makeup of their community by developing the Arcata Community Forest. In essence, as the forest is a second growth forest, citizens redeveloped this resource first and foremost so as to protect the watershed, all the while inherently affirming an ecological paradigm for the community as it developed in the future.¹⁶¹⁷

A second major municipal contribution to the local environmental movement was the difficult installation of the Arcata Marsh & Wildlife Sanctuary in 1986.¹⁶¹⁸ Growing in boldness with success, environmental activism led the city to create a Nuclear Weapons Free Zone,¹⁶¹⁹ expansion of the existing Community Forest,¹⁶²⁰ and the placement of a city-wide ban on genetically-engineered crop production.¹⁶²¹ As Arcata increasingly became a location for actionable advocacy, more environmental organizations located in Arcata as the city itself proved to be a progressive model of ecological stewardship.

Speaking to the greater civil liberties movement that was led by the Citizens Observation Group, a movement that later reformed as the CLMP, the City of Arcata nullified the U.S. Patriot Act so as to criminalize all cooperation by municipal agents with the federal government regarding information solicited per the locally offensive statute.¹⁶²² This blatant rejection of federal policy led to increased identification and coordination with local marijuana growers as Arcata's

¹⁶¹⁴ Martin, *supra* note 1501, at A13.

¹⁶¹⁵ Mills, *supra* note 1503.

¹⁶¹⁶ CIVIL LIBERTIES MONITORING PROJECT (2011) <<http://www.civilliberties.org/>>. The mission of the CLMP states: "CLMP covers only issues specific to our local area on California's North Coast."

¹⁶¹⁷ *Arcata Community Forest History*, *supra* note 1582.

¹⁶¹⁸ *Table 5*, *supra* note 1451.

¹⁶¹⁹ ARCATA, CA. Nuclear Weapons Free Zone, *supra* note 1454.

¹⁶²⁰ *Arcata Community Forest History*, *supra* note 1582.

¹⁶²¹ ARCATA, CA. §§ 5920 – 5960, *supra* note 1520.

¹⁶²² ARCATA, CA. Defending Civil Rights & Liberties, *supra* note 1519.

citizenry continued to find fault in the outside culture's priorities. By 2008, this coordination led to the community finding itself overrun with cannabis growers, forcing the city to halt the pot explosion and create a sophisticated land use scheme for marijuana production and sales. In November of 2008, the city passed landmark zoning legislation so as to sustainably develop the Humboldt gray-market cannabis trade.¹⁶²³

Rather than simply create a district for cannabis production and distribution, the marijuana zoning code endorses a city-wide “all-in” approach to production, sales and consumption. Here, the Arcata city government evidences how its law-making powers have become a contributing soap box for the local population express a sense of place that openly conflicts with the dominant culture. As tourism and marijuana production are the future in terms of Humboldt County's sources of sustainable economic growth, the city's activism appears to be a logical endorsement of both the region's ecologically-sensitive and gray-market constituents.

More importantly for this study, the environmental, cannabis and civil liberties interests can be visualized as three boats moored to keep afloat a particular way of life on the Lost Coast. Rather than exclusively rely on one particular “arborist” tactic to maintain collective resistance against vehicular agents, citizens of Humboldt County have continued to approach the larger problem in a separate yet collectively supportive effort. As Patrick Beach referred to EPIC's persistent litigation against Maxxam-owned PLC as a type of Chinese water torture, this multitude of independent interest groups all express their own course of difference so as to mutually fill a single “Humboldt” bucket. Although this case is focused on marijuana production in the community, the Emergent Cannabis Community of Arcata signifies the most recent and increasingly sophisticated expression of Humboldt County's cultural resilience against unfavorable, incompatible forces of change emanating from outside a local knowledge of place.

D.5.2.2. Undertaking the Characteristics of a Minor Architecture

Moving forward with the full support of its citizens, the City of Arcata has put in place a policy so as to realize a unique urban-architectural form that legitimizes the small-scale production of cannabis for primarily self-help medical purposes. Unfortunately, since passage of the law, only two dispensaries have had the opportunity to attempt to utilize the code. The first was the Humboldt Medical Supply [hereafter “HMS”], an establishment that finished the redesign of their new dispensary location before the new zoning code went into effect. Here, the HMS

¹⁶²³ ARCATA, CA. §9.42.105, *supra* note 1542.

followed the spirit of the zoning statute, but unfortunately, was located outside permissible land use zones in the Central Business District of Arcata.

The second attempt was made after the zoning code became law, but has consistently found difficulty in finalizing compliance with city planners. The Humboldt Patient Resource Center filed an application in 2010 to locate an 11,060 square foot agricultural facility on the north side of Arcata at 200 Aldergrove Road.¹⁶²⁴ This location is zoned as Industrial Limited, an appropriate zone for marijuana production according to Table 2-1 of section 9.22.030. Unfortunately, due to worries the zoning statute violates federal law, all official city actions based on the local law have been temporarily discontinued. In essence, although both local officials and residents are in full support of the new code provisions, the law's execution has been stalled as the provisions are tested against federal drug enforcement statutory requirements. Unfortunately, not a single building has been approved for construction under the City of Arcata's 2008 Comprehensive Marijuana Zoning statute.

D.5.2.2.1. Deterritorialization of the Major Design Language

Characteristic of the emergent nature of the ECCA, although the underlying policy has been developed for an eventual design language of the Arcata Cannabis Community, none has been realized as of yet. Due to the potential *federal* illegality of following a land use code that explicitly governs the production of marijuana, not a single building has been approved for construction under the section 9.42.105 Medical Marijuana: Cultivation and Dispensing.

D.5.2.2.2. Connection of Individual to Political Immediately

In a general sense, the City Council of Arcata has performed an outright "politicalization" function for the citizens of this small Lost Coast community. Specific to the section 9.42.105 zoning law, the comprehensive nature of the land use statute literally connects each individual to the political immediacy of federal statutory threats to Humboldt County's cannabis community. In Arcata, the local economy is primarily based on the production, consumption and distribution (legal or otherwise) of marijuana. Although so far untested, the landmark zoning statute passed by the City Council of Arcata not only impacts the gray-market cannabis trade in the community, it literally has the potential to redefine the allowable uses of all zoning districts in the community, including the use of residential districts for growing limited amounts of marijuana.

¹⁶²⁴ Connor Hawkins & Mariellen Jurkovich, Agricultural Facility Operations Manual, HUMBOLDT PATIENT RESOURCE CENTER (2010).

Under the section of zoning code under discussion, the entirety of the “D” subheading governs marijuana cultivation and processing in personal residences, limiting such production to an area of 50 square feet.

In spite of the fact that no actual construction has occurred, this local act already has established a statutory precedence that impacts all citizens of Arcata. This impact at the very least diminishes the public nuisance endemic in the unregulated nature of marijuana production as was experienced prior to Interim Ordinance No. 1376, the temporary moratorium on local dispensaries passed on May 7, 2008.¹⁶²⁵

D.5.2.2.3. Collective Enunciation of Disenfranchised Community

Similar to D.5.2.2.1. Deterritorialization of the Major Design Language, judging the qualitative scope of the ECCA to manifest a collective enunciation of the marijuana community in terms of the built environment in Arcata is premature. Although the underlying policy has been developed for an eventual design language of the Arcata Cannabis Community, none has been realized as of yet for review.

D.5.3. A Home for the Marginalized Population

Deleuze and Guattari discuss in KAFKA that “an assemblage ... has two sides: it is a collective assemblage of enunciation; it is a machinic assemblage of desire.”¹⁶²⁶ Most important to the marginalized producer is that the assemblage is an expression of the “home” for the minority community, constructed from “decoded fragments of all kinds.”¹⁶²⁷ Although the City of Arcata has served as an unofficial home to the nation’s most active cannabis region, the City Council’s bold advocacy move in creating the comprehensive marijuana zoning code could endanger the community’s emerging cannabis stronghold. As witnessed previously with crackdowns issued by the U.S. Drug Enforcement Agency, past community headquarters (Honeydew, Garberville) for marijuana producers have turned ghost towns after a single intense harvest sweep of growers.

In Arcata, the desire is clear as individuals have created architectural artifacts that include but are not limited to the buildings surveyed for this case study. Here, the ten properties that evidence a direct investment in the success of the gray-market marijuana trade have enabled a

¹⁶²⁵ ARCATA, CA. No. 1376, *supra* note 1539.

¹⁶²⁶ DELEUZE & GUATTARI’S KAFKA, *supra* note 29, at 81.

¹⁶²⁷ DELEUZE & GUATTARI’S A THOUSAND PLATEAUS, *supra* note 22, at 502.

staging ground for an eventual urban-architectural form. Here, as there are ten working testaments to the marijuana trade in Arcata, an encouraging proclamation as to the unique sense and culture of the Lost Coast region is dignified. Unfortunately, an assemblage has not been secured as a home for the cannabis community as no buildings have been realized under the new local zoning code. The limbo holding position of Arcata's comprehensive marijuana statute signifies the ECCA is at a premature status for judgment as an urban-architectural form.

D.5.3.1. Balancing the Tetravalent Condition of the Assemblage

As discussed in Deleuzian terms, the assemblage acts as specific micro-strata within the greater stratum, one that is expressing its own re-coding over the real historic, social and political landscape from within. When the back-to-the-landers found their exiled home in the fog-ridden redwood hills of Humboldt County, a formidable constituency formed to protect and carry out a rural expression of progressive activism. Over the decades as these newfound residents pushed for increased protection of the local forests and profited from the burgeoning demand for local marijuana, the growing influence of these now-invested citizens had an architectural byproduct. Environmental watchdogs, dispensaries, hydroponic stores and head shops filled the abandoned mills, truck dealerships and neglected industrial buildings left after logging was truly a bust.

Although a major source of this region's economic activity faces threat due to the illegality of such practices, the communities of Humboldt County continue to endeavor to prove with action their way of life is a healthy, resilient alternative to the methods of contemporary globalization. In Arcata, the requisite re-coding has begun in the ten buildings surveyed in furtherance of this case study. Further, the underlying policy to define the micro-strata necessary for realizing an assemblage for the local cannabis community has been written and legitimately enacted. Lacking though is the design action necessary to further that policy as today there is no specific built environment that enunciates from within a purposeful re-coding of the historic, social and political landscape of the community.

D.5.3.1.1. Content *and* Expression

Returning to the same critical shortcoming of the ECCA's design expression, a minor policy is in place but the built environment has not yet been realized. Although ten buildings represent the emerging cannabis community in Arcata, only four of those would require compliance as per the new comprehensive zoning statute. Of those four (i.e. the dispensaries), only one (Arcata iCenter) potentially meets the requirements of the law in terms of zoning district location

(Industrial Limited). Here, Arcata's City Council has taken the necessary step to conceive of a minor plan for the built environment, but the time necessary to realize a reflective built environment has not yet passed.

D.5.3.1.2. Territorial *and* a Product of Deterritorialization

By the very nature of a legal action by the City Council of Arcata, a specific territory has been defined within the political jurisdiction of the City Council's power. Especially important here is the manner in which the comprehensive marijuana zoning statute deliberately touches all zones of the existing land use code.¹⁶²⁸ Telling of the seriousness of the actions of the city council's legislative pursuit, federal law enforcement agencies have threatened that the municipal legislation could potentially endanger individual city councilmember's with drug-related criminal liability.¹⁶²⁹ By layering the regulatory scheme for marijuana activities over the entire land use code, the City Council has demarcated a uniquely empowered territory for the tolerance of Humboldt's cannabis culture.

Just as the city's political jurisdiction is now a defined sanctuary, this new designation is both a product and an engine of deterritorialization. With the steady demise of the logging industry in the area, the residents and landscape of Humboldt County became ripe for exploitation as the economics and "company-town" mentality of the once self-reliant Lumberjack transitioned into financial desperation. Seizing on this opportunity, two agency forces of globalization including a closely-held Houston corporation and federal drug enforcement personnel independently deterritorialized the Lost Coast both physically and psychologically. As to the first agent, for nearly 15 years, the Maxxam-owned PLC purposely liquidated as much of the old-growth redwood stock it owned in Humboldt County so as to maximize resource extraction for shareholder profit. As to the second agent, enforcement agencies applying anti-drug laws used the marijuana-tolerant region of Humboldt County as an example to the rest of the country of the psychological cost of resisting the will of federal authority. Literally seizing property from resident pot-growers and facilitating the transfer of that property to an out-of-state corporation, this uncoordinated double-assault on the local residents reoriented the very meaning of the land they occupied.

¹⁶²⁸ Although the code does not permit marijuana cultivation or sales in many zones, including commercial zones, the statute has still touched all zones in that it integrated marijuana activities into the entire land use scheme, allowing and disallowing activities in all zones.

¹⁶²⁹ Grant Scott-Goforth, *Arcata Council to Discuss Dispensary Moratorium; Federal Pressure may push Arcata to Suspend Ordinance*, EUREKA TIMES-STANDARD (Jan. 4, 2012).

Rather than submit, locals banded together to form litigious organizations so as to pare back the powers and influence of both dominant agents impacting their sense of place in the region. As many of the back-to-the-landers were well educated and activist by nature, these exiled transplants gradually redefined the region as an ecologically sensitive, cannabis-supporting free-zone. Today, as the word “Humboldt” itself is an unofficial trademark for the redwood-marijuana based culture portrayed in the media for decades, the region is now a working incubator for countercultural models of civic politics. With Arcata as the best example of this phenomenon, the City itself deterritorializes the underlying assumptions of the outside dominant culture. Employing passive waste treatment systems, openly defying federal anti-terrorism legislations, and banning environmentally-insensitive GMO and Nuclear products, the City of Arcata is a territory of change, openly confronting (*frightening?*) many of the social norms of American society.

D.5.3.2. Decoding of Territory for Equity

Next, an examination as to what has come from this confrontational method of civic action must be evaluated. Today, marijuana is listed as a Schedule I substance under Title 21 of the U.S. Code, Chapter 13: Drug Abuse Prevention and Control. So as to be listed as such, a Schedule I substance must have a “high potential for abuse,” must have “no currently accepted medical use in treatment in the United States,” and must have a “lack of accepted safety for use of drug or other substance under medical supervision.”¹⁶³⁰ In two U.S. Supreme Court cases handed down after the passage of the Proposition 215, the court has consistently reinforced the statutorily defined status of cannabis as a highly dangerous substance. In spite of this status, the entire gray-market medical marijuana trade relies on the willingness of federal agents to overlook regular violations of drug control laws as it concerns state-based exceptions for pot use.

The impact of Arcata’s regulatory scheme for marijuana production is important in that it demonstrates blaring inequity in application of the Schedule I status to cannabis. After nearly forty years of marijuana tolerance in Humboldt County, the crime and consumption abuse problems necessitating Schedule I status have not been realized. And, this is not due to the fact that the average Humboldt citizen does not consume cannabis. As nearly any visitor to the region will tell you, marijuana on the Lost Coast is truly envisioned as a medicinal form of herb, an informal method for locals to seek peace and cope with the stress of contemporary life.

¹⁶³⁰ Drug Abuse Prevention and Control, 21 U.S.C. §812 (1970).

Further, the democratic development of a land use code for marijuana production reinforces the claim made by cannabis advocates that there is a wholly rational place for marijuana in American society. Here, a small university community has taken literally years of effort to study, refine and make logical determinations on how and where marijuana should be in their handsome city. At its core, Arcata highlights past inequities and the irrationality of drug enforcement techniques employed since the early 1980's. Unfortunately, the enforcement decisions and cultural bias against cannabis use held in the nation's capital could literally reverse the progress made towards equity in Humboldt County with a reconfiguration of enforcement priorities. Immediately following are **FIGURES 268** through **277**, figures which graphically detail the results of the physio-logical evaluation and newspaper analysis of the Emergent Cannabis Community of Arcata case study.

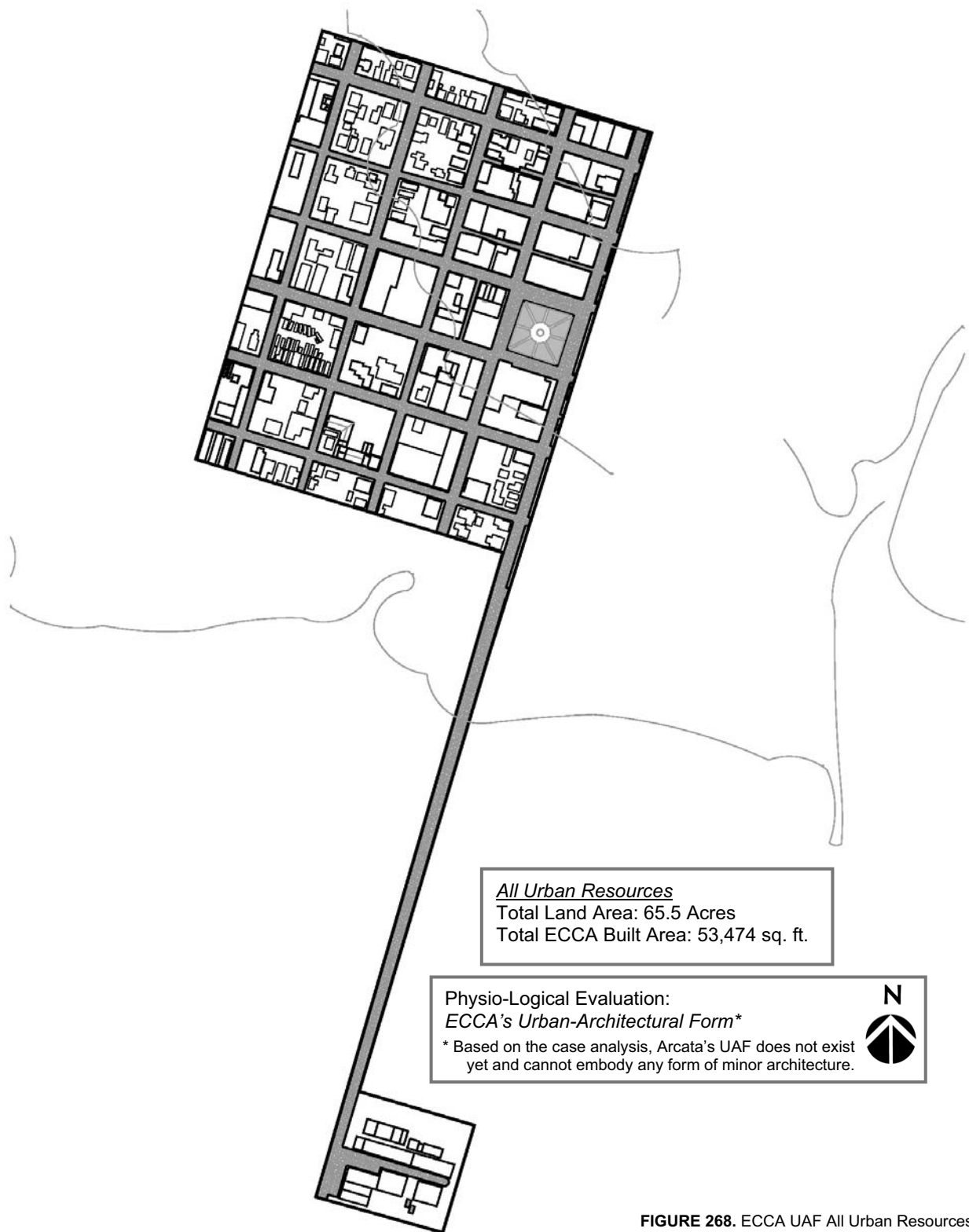


FIGURE 268. ECCA UAF All Urban Resources

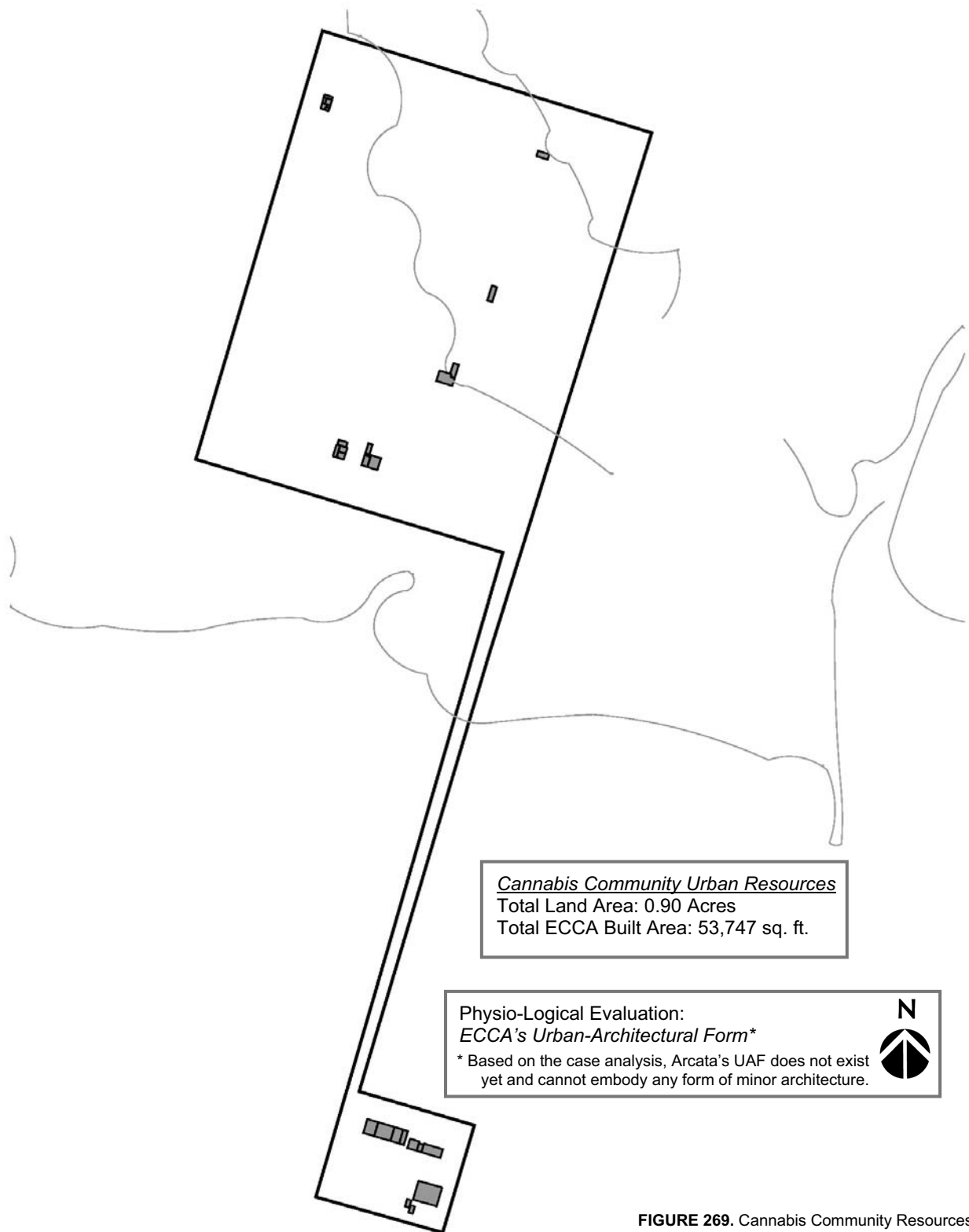


FIGURE 269. Cannabis Community Resources

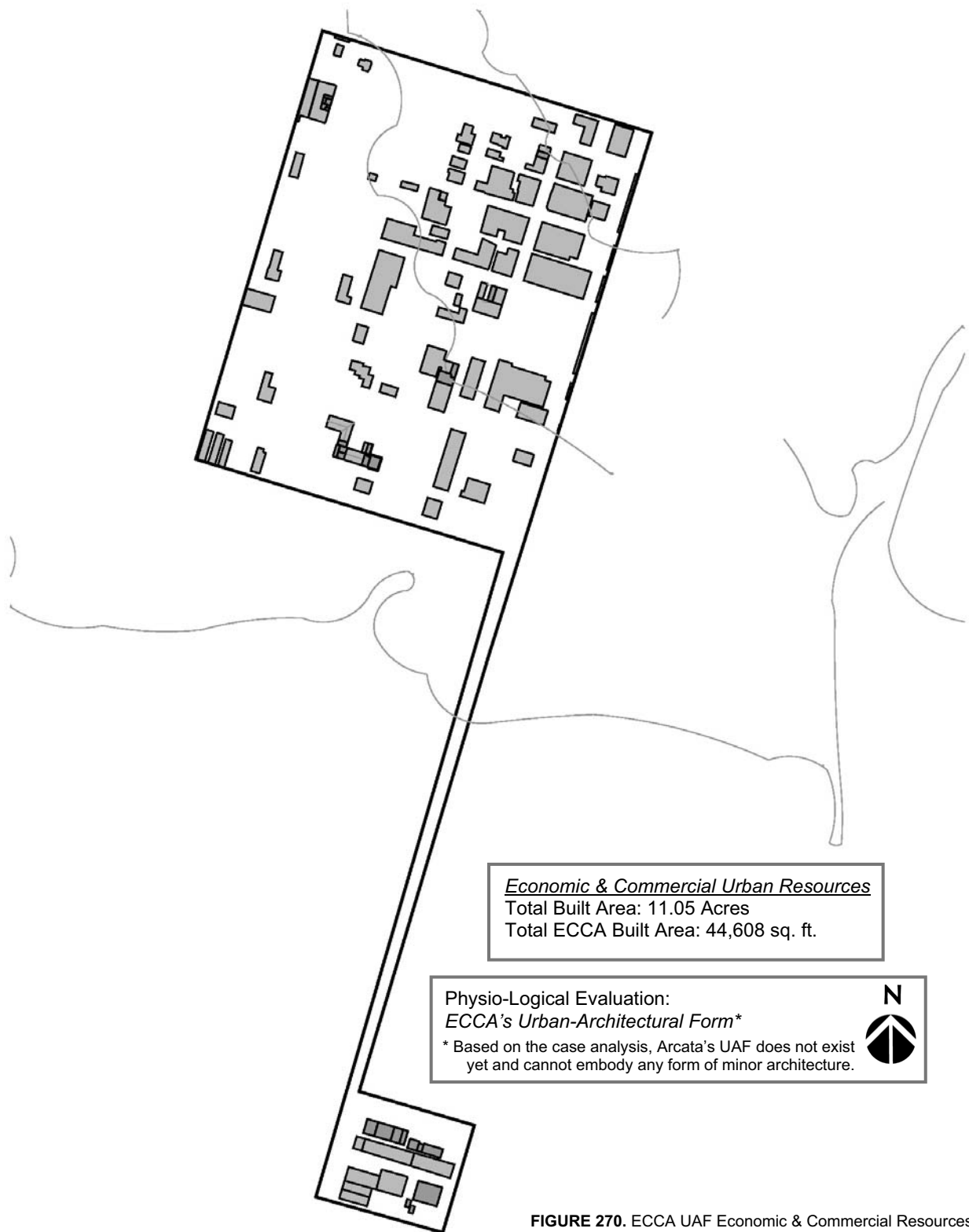


FIGURE 270. ECCA UAF Economic & Commercial Resources

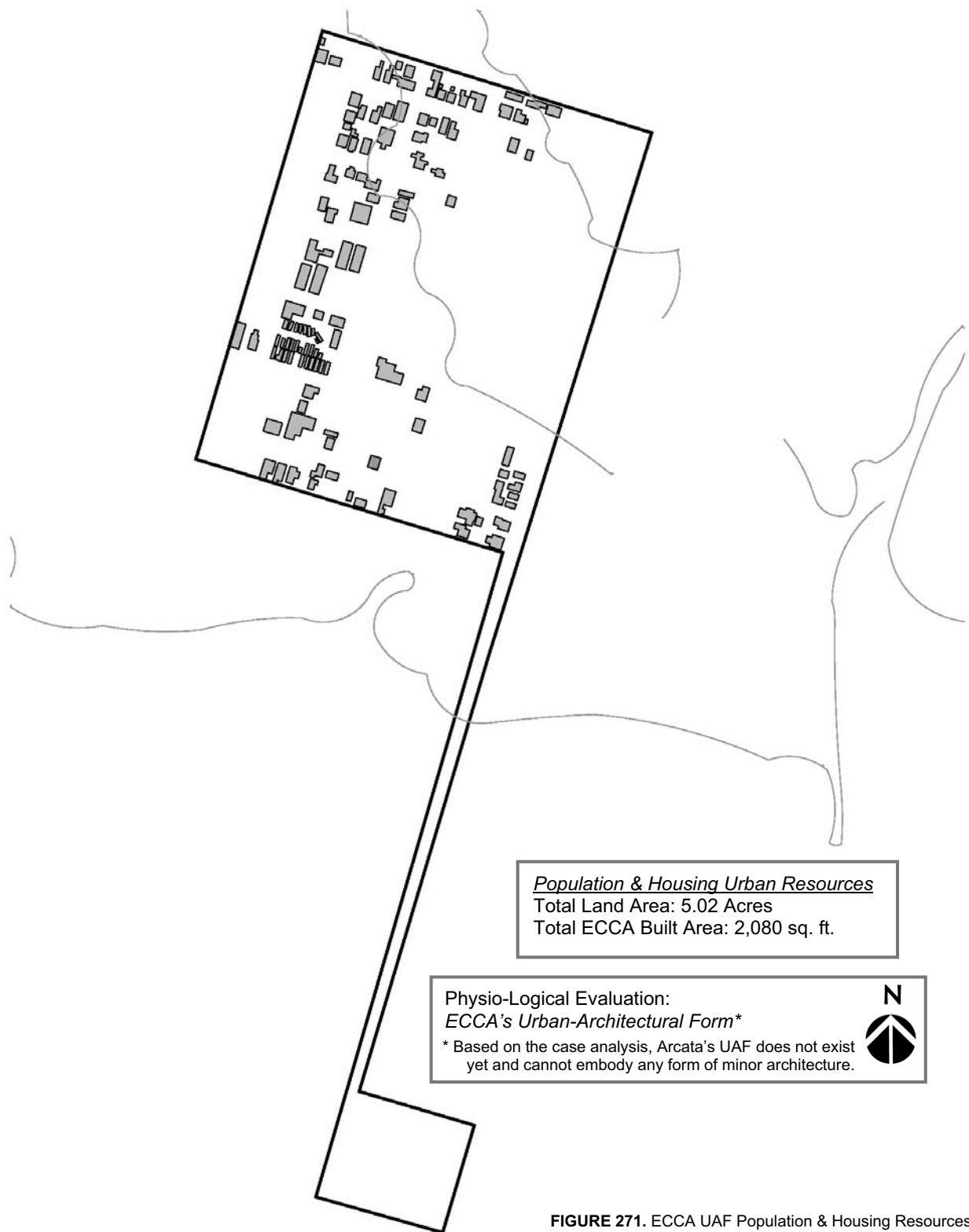


FIGURE 271. ECCA UAF Population & Housing Resources

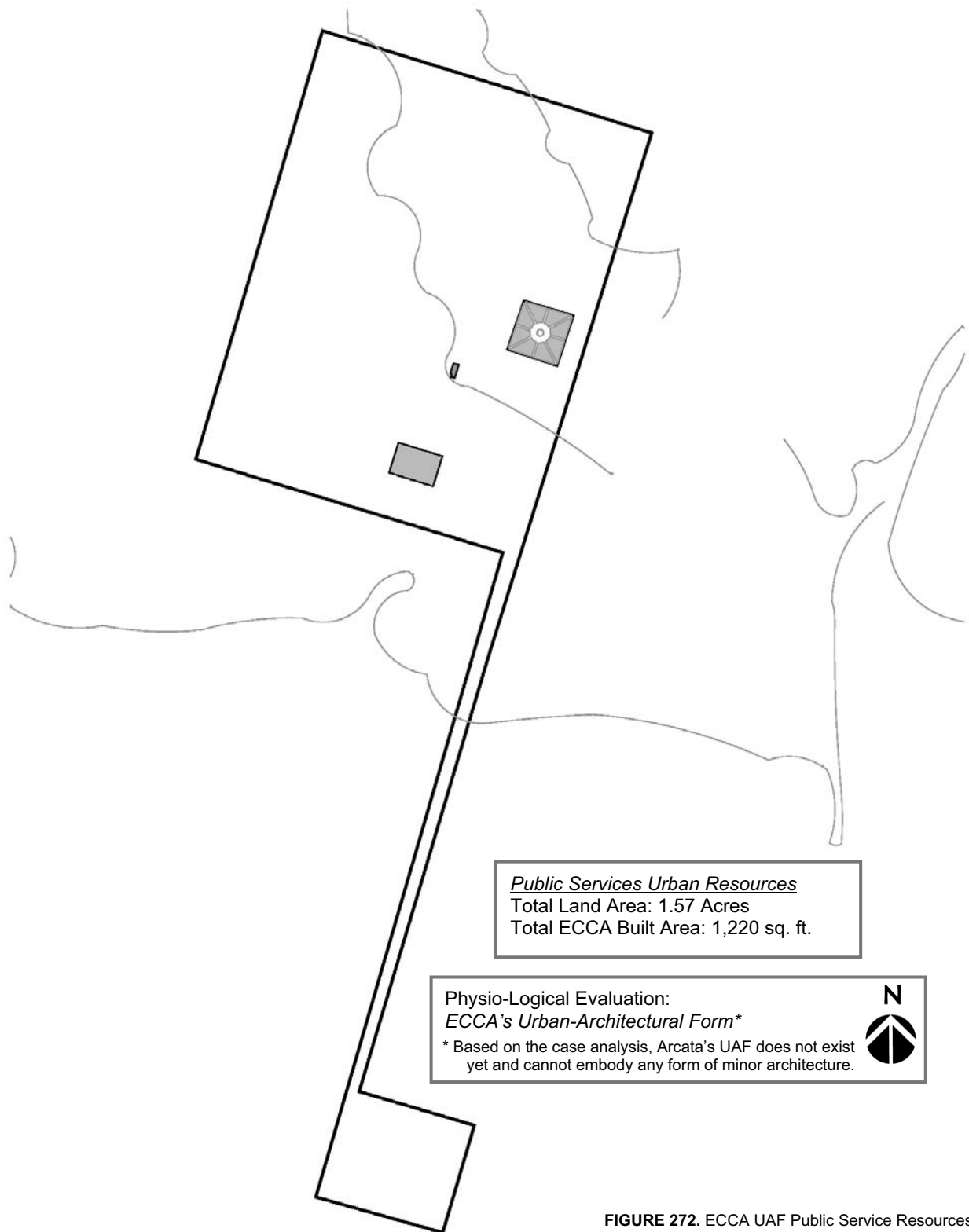


FIGURE 272. ECCA UAF Public Service Resources

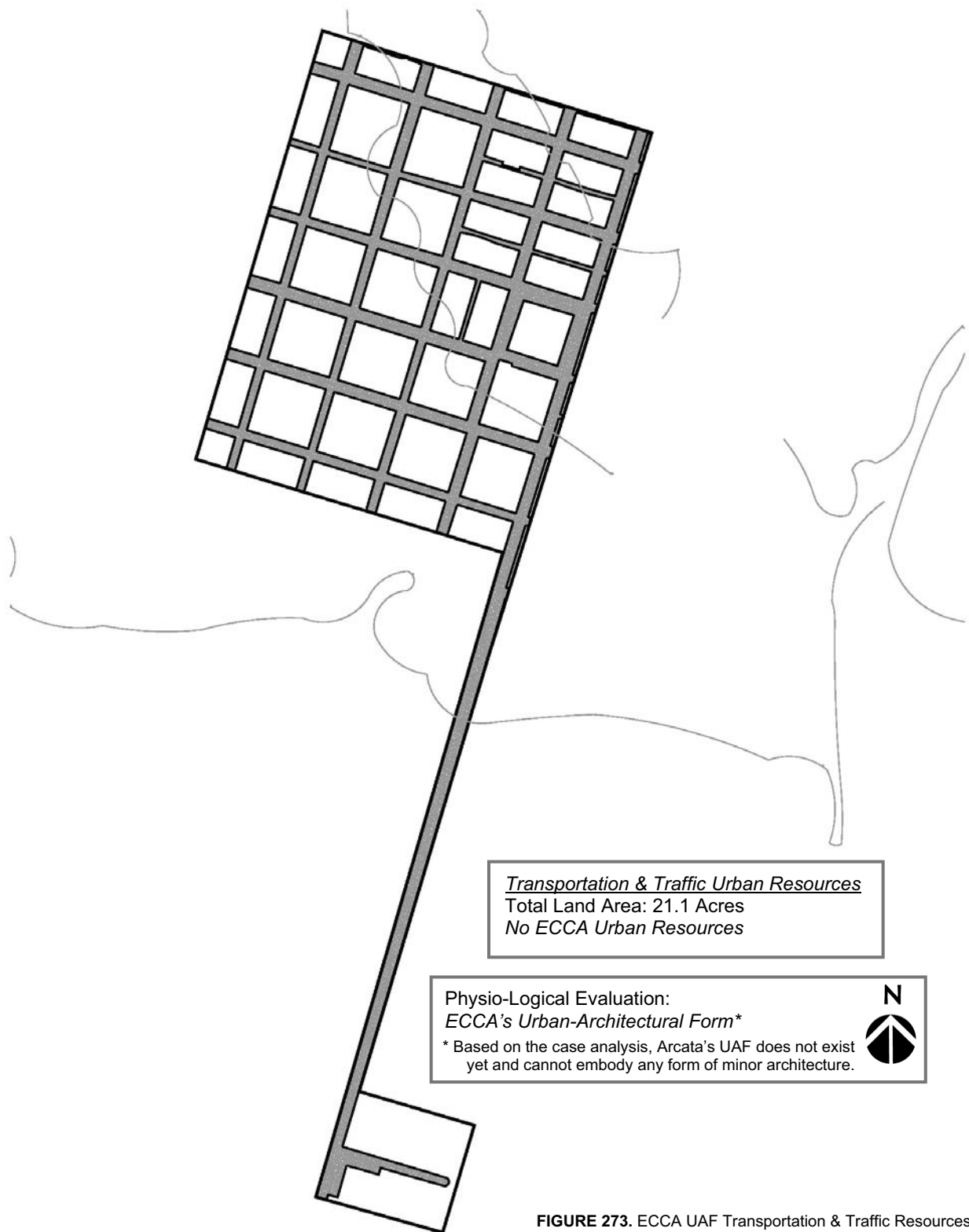


FIGURE 273. ECCA UAF Transportation & Traffic Resources

Emergent Cannabis Community of Arcata

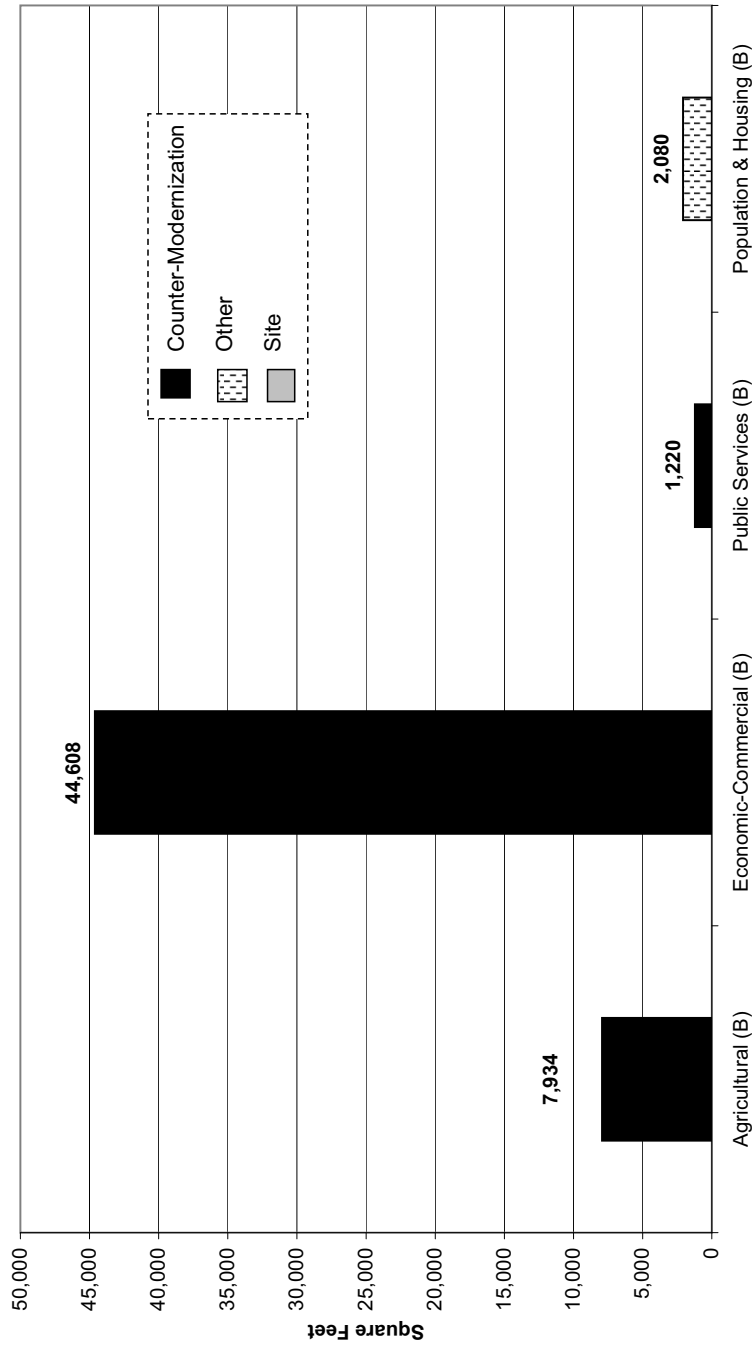


FIGURE 274. ECCA Urban Resource Utilization

Emergent Cannabis Community of Arcata (Sq. Ft., Percentage)

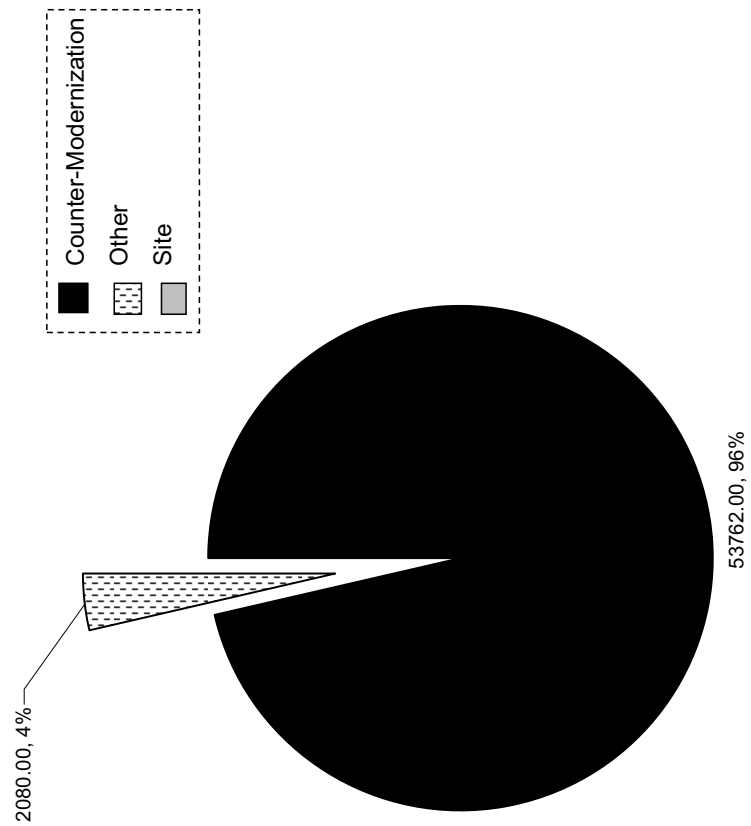


FIGURE 275. ECCA Proportional Outlay of Urban Resources

Emergent Cannabis Community of Arcata - New York Times

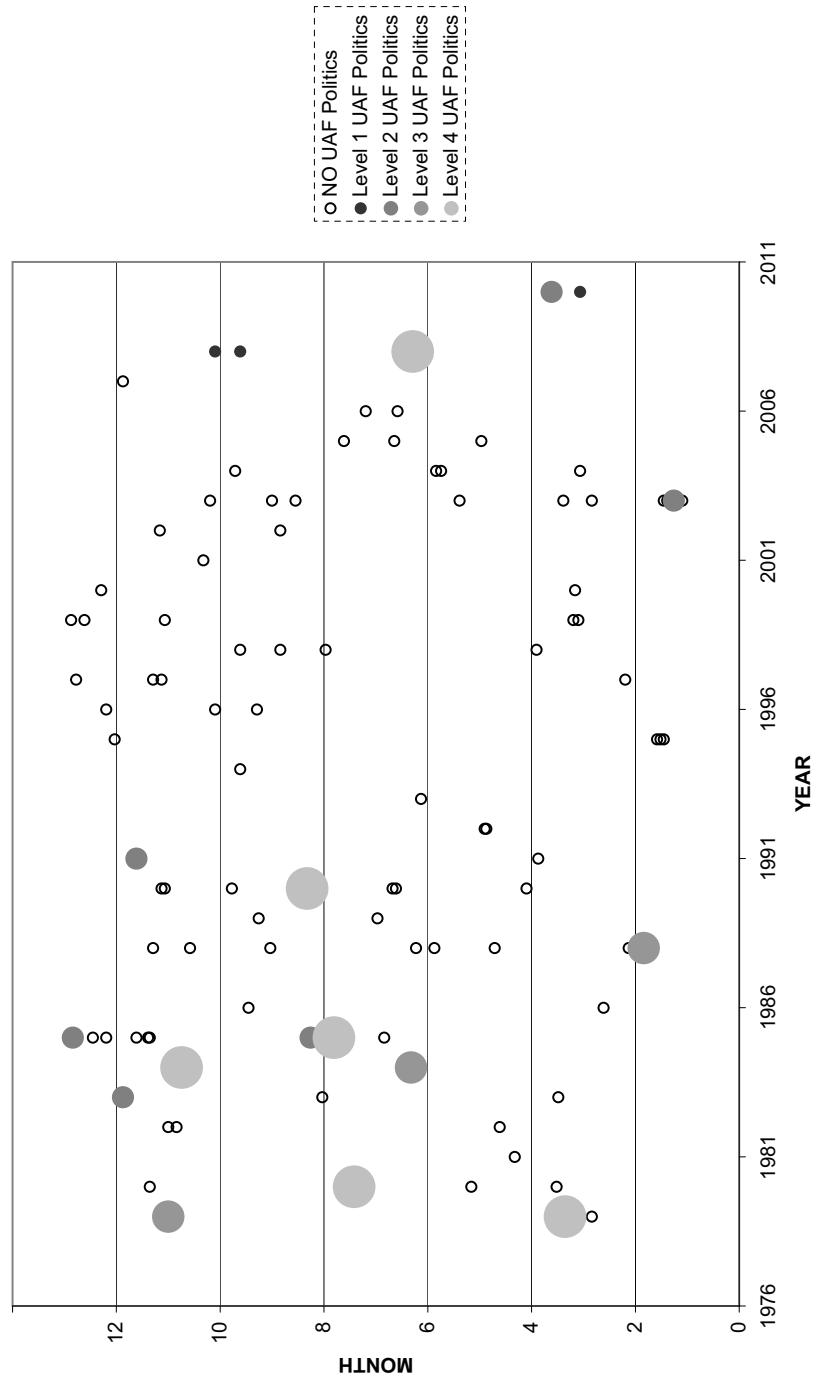


FIGURE 276. ECCA: New York Times Analysis

Emergent Cannabis Community of Arcata - San Francisco Chronicle

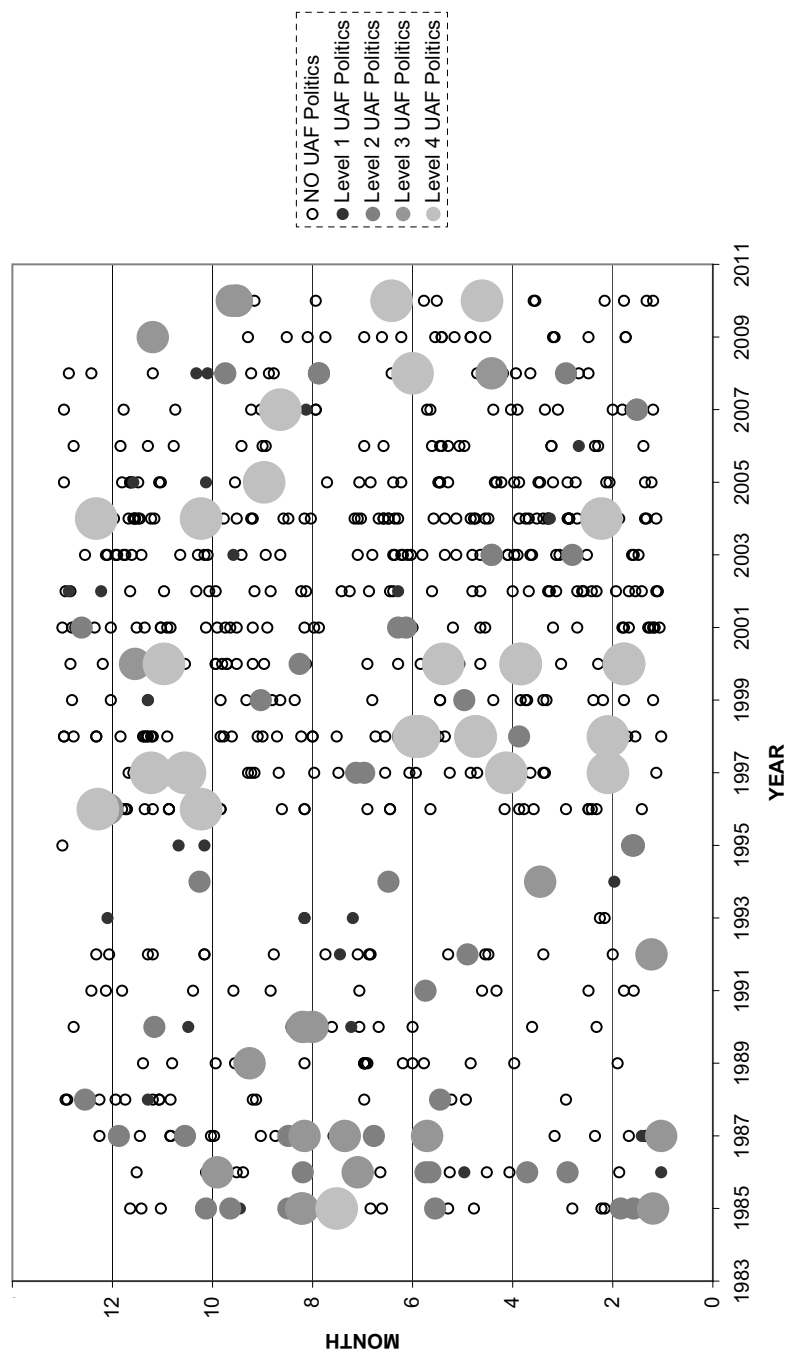


FIGURE 277. ECCA: San Francisco Chronicle Analysis

D.5.4. Results of Physio-Logical Evaluation

Two supplemental empirical studies have been undertaken so as to verify or negate the findings of the traditional historical-interpretive method of testing the ECCA urban-architectural form. The first empirical study is a plan-based observation of the existing ECCA's urban-architectural form. All the land use and built expressions by the community have been categorized based on either the targeted responsiveness to the nuisance of global modernization [nuisance], its responsiveness to existing site conditions [site], or other services required of the urban-architectural form [other]. After categorization, land and built areas were tabulated for comparisons in terms of the purpose of built urban form. This categorization and tabulation thereby allows for a legibility of the urban-resource expression as per communal aims, existing physical conditions, and other non-nuisance concerns (*See FIGURES 274-275*).

The nuisance of greatest importance concerning the residents of the City of Arcata is in a general sense, the marginalization of the culture and way of life chosen by residents of Humboldt County. Specifically, the nuisance the ECCA has directly reflexed against is the illegality of a medicinal product (cannabis) roundly found acceptable according to the Humboldt way of life. Due to the *emergent* nature of Arcata's formal cannabis community, data was only taken on those structures that have a direct impact on the working gray-market cannabis trade of the Lost Coast. The results of Arcata's landmark comprehensive marijuana zoning code will need to be reevaluated after years, if not decades of practice to measure if appropriate resource use congruence continues after realizing of the City Council's vision for marijuana cultivation and sales in the city limits.

Here, as to the ECCA's current status, covering an area of 41,773 square feet of the city's jurisdiction, 55,842 square feet of the built environment has been realized in furtherance of the cannabis trade in Arcata. So as to openly demonstrate a healthy manner to cultivate and distribute medical marijuana in a commercial setting, three major urban resources have been employed by the ECCA in direct response to the illegal nature of cannabis under federal law. These three resource categories include "Agricultural," "Economic-Commercial," and "Public Services." An "other" resource type was also employed at one of the dispensaries, the "Population & Housing" urban resource. The combined area impact of the ECCA's reflex against federal nuisance is 53,762 square feet (over one acre), leaving only 2,080 square feet in use as an other urban resource. This makes for a 96% consistency of resources allocated in direct opposition to the perceived nuisance experienced in Arcata.

Unfortunately, the ECCA is a founding step in the eventual realization of an applicable UAF. In conducting this evaluation, a 'Cannabis Economy Sphere of Influence' was used to conceptualize the ECCA and study its potentially minor impacts on the built environment. This post-study definition of the ECCA violates a basic assumption that the UAF has been determined in the development of realized minority policy. That minority policy is encompassed in Arcata's comprehensive marijuana regulatory scheme, and this environmental resource evaluation should be conducted after the new land use code has been in use to govern the built environment of Arcata's cannabis community. Ultimately, the ECCA has in not met the supermajority threshold required for confirmation of the UAF's status as a product of minor architecture.

D.5.5. Results of Correlative Newspaper Analysis

A correlative newspaper analysis is the second of the two supplemental empirical studies undertaken so as to verify the findings of the historical-interpretive evaluation of the ECCA's urban-architectural form. Newsprint evidence was harvested from a comprehensive archive search of the NEW YORK TIMES and the SAN FRANCISCO CHRONICLE. After all articles were collected, the evidence was organized and presented so as to verify or highlight inconsistencies as it concerns the findings of the case study. Entailed in the organization, a system of evidentiary coding was applied to all applicable articles that discussed both the marginalized population and the real property location they inhabited as directly referenced in the case study. Each article was reviewed for word phrase "triggers" or evidentiary "incidents" that, after tabulation, potentially express correlative relationships between the marginalized population, the built environment, and reflexive developments by the marginalized population in response to the dominant culture's expression of global modernization.

Restating prior sections, the nuisance of greatest importance to the residents of Arcata was the combined environmental exploitation and draconian crackdown on what most believe to a cultural norm for Humboldt County: marijuana cultivation and consumption. Important for this study was significance of the marijuana culture in response to the actions of the dominant culture. A survey of all news stories had a start point in 1979, at the point at which the marijuana trade in Humboldt County was first reported in the NEW YORK TIMES. The newspaper survey was ended in the month the survey was conducted in October of 2010.

Over that thirty-one year period, 99 articles were published in the NEW YORK TIMES that included the words "Humboldt County," and 546 articles were published in the SAN FRANCISCO CHRONICLE after a word search of "Arcata." Of those 99 articles published in the NEW YORK

TIMES, nineteen of them included the word “marijuana” in the article. Of the 546 articles published in the SAN FRANCISCO CHRONICLE, twelve included the word “marijuana.” In addition to the “Arcata AND Marijuana” term combination, a survey was taken regarding all SAN FRANCISCO CHRONICLE articles with the word combination of “Arcata OR Humboldt County AND Marijuana.” This secondary word combination netted an additional 138 articles to broaden the sample for evaluation.

TABLE 26. Verification of ECCA Correlative Newspaper Analysis

10.7%	<i>Correlation between "home" of tested minor community and primary issue of political significance.</i>	
	0.192	New York Times
	0.022	San Francisco Chronicle
74.3%	<i>Expression of Nuisance</i>	
	0.737	New York Times
	0.750	San Francisco Chronicle
87.9%	<i>Expression of Minority Response to Nuisance</i>	
	0.842	New York Times
	0.917	San Francisco Chronicle
64.9%	<i>Expression of Equity Undertaken Due to Political Discourse</i>	
	0.632	New York Times
	0.667	San Francisco Chronicle
36.6%	<i>Expression of Representation Value in Newsprint</i>	
	0.316	New York Times
	0.417	San Francisco Chronicle
10.7%	FAIL	
	VERIFICATION OF CORRELATIVE NEWSPAPER ANALYSIS	

After an itemized confirmation, the overlap of these word combinations allowed me to decipher out those articles concerning the issues essential to the ECCA over the course of its thirty-one year buildup. With the NEW YORK TIMES, the regularity of concurrence between that paper’s discussion of Humboldt County and marijuana can be expressed as a 19% ratio of incidence. As for SAN FRANCISCO CHRONICLE, that regularity of concurrence between the paper’s discussion of Arcata and marijuana is expressed as 2.2% ratio of incidence. Overall, in combining the ratio of incidence of both the NEW YORK TIMES and the SAN FRANCISCO CHRONICLE, there is a 10.7% ratio of incidence. This substantiates a relatively weak correlative expression and does not meet the correlative majority threshold necessary to validate adequate minor enunciation by the built environment. All articles meeting this correlative minimum have been graphically represented in **FIGURE 276** and **FIGURE 277**, respectively expressing the results of the

review of NEW YORK TIMES and the SAN FRANCISCO CHRONICLE. Symbols within the graphic representations have been developed to note the article's magnitude of relative reflection as it concerns the plight of the cannabis activists against marginalization and the use of the urban-architectural form in response to the nuisance of globalization. In graphic representation of results from the SAN FRANCISCO CHRONICLE, both terms "Arcata" and "Humboldt County" paired with "marijuana" is shown (*See* **TABLE 26**).

These correlations were determined with a process of coding, whereby incidents of "nuisance", "response", "equity" and "representation" were flagged and tabulated. After tabulation a determination as to the political potency of each article was undertaken, whereby if there were no incidents in the selected article, that article would have a UAF Politics determination of "O." If the article had three of the four possible incidents, that article would have a UAF Politics determination of "3." Finally, if a single article had all four incidents, it would receive a determination of "4." This allowed for the creation of a scale from "0" – "4," a rating that is graphically represented and charted with all other sample articles based on the date of publication.

In review of the articles, the graphs illustrate how the two different papers reported on the marijuana-related events in Humboldt County. The NEW YORK TIMES had a much higher frequency of reporting with political potency roughly during the years of Ronald Reagan's and George H.W. Bush's presidency from 1980 until 1992. The SAN FRANCISCO CHRONICLE, on the other hand, reported with the greatest political potency in a time period from roughly 1995 (just before the election of Proposition 215) until the end of the survey period. Here, this is telling that the NEW YORK TIMES was more concerned with the federal political issues of Humboldt County's cannabis-tolerant community, while the SAN FRANCISCO CHRONICLE was focused more on the innovative development of the gray-market cannabis economy springing from Humboldt County.

Building upon the complementary coverage of the area by both papers, incidences of nuisance, response, equity and representation have been tabulated. Of the nineteen NEW YORK TIMES articles discussing "marijuana" in Humboldt County, fourteen of them report on the nuisance of federal crackdowns on the pro-cannabis region (74%). Of these same nineteen NEW YORK TIMES articles, sixteen detail the responses asserted by local residents (84%). Twelve of the articles surveyed reported on the measures of equity-seeking mechanisms employed in the adversarial relationship between drug enforcement and the local community (63%). Finally, as

to the representation of local organizations, the NEW YORK TIMES articles reflected that six of the total nineteen reported on such collective endeavors seeking place-based justice (32%).

Of the twelve SAN FRANCISCO CHRONICLE articles directly reporting on Arcata, nine of them report on the nuisance of state and national drug enforcement techniques impacting the local culture (75%). Of the 138 SAN FRANCISCO CHRONICLE articles reporting on both Arcata and Humboldt County, 102 of them report on the nuisance of U.S. drug code enforcement (74%). Regarding the Arcata-only SAN FRANCISCO CHRONICLE articles, eleven reported on the local responses to drug enforcement techniques (92%), and eight outlined instances of equity-seeking mechanisms sought to remedy conflicts between local cultural beliefs and enforcement actions (67%). In terms of the articles addressing both Arcata and Humboldt County, of the 138 articles surveyed 102 were found to report on the responses waged by local residents (74%), and 46 detailed the use of equity-seeking mechanisms employed to satisfy the complaints of the local community against state and federal agents (33%). Finally, the SAN FRANCISCO CHRONICLE noted the incidents of collective representation in five of the twelve Arcata-only articles (42%), and as surveyed, found 35 incidents of representation out of the 138 Arcata and Humboldt County articles (25%).

An appraisal of the coverage of the ECCA's plight against state and federal drug enforcement is first a story of marginalization told by the NEW YORK TIMES, and then a story of redemption told by the SAN FRANCISCO CHRONICLE. Here, the ECCA's power to find both a national and state news-based stage to relay the conditions of Humboldt County is significantly noteworthy. Due to the necessity to cultivate cannabis in a place of some sort, a natural link is made between the politics of the minority and the built environment they inhabit. Pot growers, no matter how secluded they may wish to be, must purchase supplies, find workers for harvest, and transport their product in order to do business on any market, legal, gray or black. In this instance, Arcata has taken a risk in promoting its marijuana-tolerant attitude and applying local values to the city's zoning code. As reflected in the relatively regular rate of reporting from the region, both Northern California readers (SAN FRANCISCO CHRONICLE) and the nation (NEW YORK TIMES) appear to be watching to see how things turn out.

D.5.6. Conclusion: Pass or Fail

PASSING. Conventional wisdom speaks of the great danger marijuana poses as a “gateway” drug for those experimenting with illicit substances. Perhaps it is this very notion of a gateway as the driving acceptance for cannabis in Humboldt County. Viewing marijuana as a medicinal

substance to cope with pain, hunger issues, and for many, the blinding withdrawal experienced after quitting other truly horrible substances, Humboldt's Mother herb has been a saving grace to avoid relapse, or worse, to die in a prolonged state of unthinkable pain.

Dennis Peron's medical marijuana movement was seen by many as a success in San Francisco due to the overwhelming support the HIV community provided from his base in the SF Bay Area. Throughout my limited experience surveying dispensaries, a few individual marijuana growers, and the medical offices that issue Prop. 215 ID cards, I have been shocked to see so many individuals actually in need of legitimate medical care. Approaching California's medical marijuana gray-market paradigm as a skeptic, I was routinely surprised to find so many individuals suffering the pain envisioned in Proposition 215 to treat multiple sclerosis, cancer, arthritis, and automobile accidents lining the halls of these facilities to purchase their week's dose of painkillers. I was also surprised to find so many U.S. war veterans, both young and old. These experiences led me to appreciate the Bellamy Brother's lyrics after listening to them again upon my return from the survey:

*Well, he stays away a lot now from the parties and the clubs
And he's thinking while he's joggin' 'round
Sure is glad he quit the hard drugs
Cause him and his kind get more endangered everyday
And pretty soon the species will just up and fade away
Like the smoke from that torpedo...just up and fade away*¹⁶³¹

The citizens and leadership in the City of Arcata have done more than their part to demonstrate a model of appropriate civic action as it concerns the rational regulation of medical marijuana. The greatest weakness in their zoning scheme is that this project has not been given the time or federal leniency to proceed as designed in execution of the built environment. At the time of my survey, the ECCA was succeeding as a start point of minor design. A follow-up survey is necessary in the next decade or so to review the results of this unique act of pragmatic innovation in urban planning (See **TABLE 27**).

¹⁶³¹ BELLAMY BROTHERS, *supra* note 1421.

TABLE 27. Conclusion of ECCA as Minor Architecture

SUBJECT TEST	PASS	Notes
Clear Nuisance	■	Federal drug enforcement and corporate exploitation, blighting county with drug forfeiture & purposed clear-cut logging
Collective Expression	□	<i>Emergent Cannabis Community of Arcata</i>
Singular Linguistic Form	■	Referential
UAF	□	The basis for an UAF exists in the local business agents, collective citizenry and zoning code; unfortunately, this UAF has not had adequate time to manifest in Arcata as planned and as required for judgment
Rhizomatic	■	Actions of environmental, marijuana-based, and civil liberty agents within Arcata reflect a multitude of “entry points” and “expressions” to promote unique Humboldt County values
Deterritorialization of Major Language	□	Reterritorialization of residential, commercial and industrial zones are defined by land use code; unfortunately, that code has not had adequate time to materialize in the built environment for judgment
Connect Individual to Politics	■	Among other social inventions, the comprehensive marijuana zoning statute impacts the whole structure of the land use code, both securing the rights and prescribing the method of marijuana commerce in Arcata for all residents
Enunciation of Minority	□	City Council of Arcata is a consistent advocate for the unique citizenry fighting to resist the incongruent policies of federal code upon the local culture; unfortunately, no built environment has resulted in reflection of that political stance as necessary for judgment
MINOR DESIGN	□	A minor design of an urban-architectural form is emerging with recent local land use codes and policy, but has not had adequate time to manifest
Tetravalent Condition of Assemblage	□	As the built environment has not been manifest under Arcata’s landmark comprehensive marijuana zoning statute, the impacts of the law cannot be fully evaluated
Decoding of Territory furthering Equity	■	With an emerging paradigm of municipal marijuana regulation, the ECCA exposes biased assumptions made by the dominant culture in the draconian method of marijuana eradication
ENVIRONMENTAL JUSTICE	□	The emergent status of the ECCA restricts an ample evaluation as to the ability of this “UAF-to-be” in responding to issues of environmental justice
Resource Use Congruence	□	Overall employment of referential development as response to exploitation by dominant agents in commerce and law cannot be evaluated without buildings
Overall Nuisance Response	□	No built environment has been adequately realized for judgment
PHYSIO-LOGICAL VALIDATION	□	Although the collective response as studied validates foundational findings of minor architecture, the evaluation is premature as the comprehensive marijuana zoning code has not had ample time and resources to manifest for an appropriate evaluation
NEWSPAPER VALIDATION	□	Primary nuisance & Arcata’s response to globalization is not verified as a majority of news content does not correlate to reflect minor enunciation based in the built environment under study
Minor Expression of Built Environment:		PASSING

D.6. HOUSE ON PAPER STREET

Case Abstract: At the height of global consumerism, FIGHT CLUB was released in 1999 as a generational “end-of-the-century” protest against the world-wide dominance of capitalism. FIGHT CLUB was the middle of a series of three “transgressive” films (the other two being AMERICAN PSYCHO in 2000 and TRAINSPOTTING in 1996) released by major production companies before the attacks on the World Trade Center of September 11, 2001. Unique to FIGHT CLUB of the three was the active development of the built environment in the film. After renting a dilapidated house on the fringe of an expanding port, the main characters remodel the home into a quasi-monastery and micro-scale locavore soap production facility. Extensively based on Chuck Palahniuk’s novel FIGHT CLUB, a detailed use, physical space and policy analysis was possible to accurately evaluate the cinema-based urban environment. As Palahniuk’s fictional work is largely a combination of personal stories and scenarios, FIGHT CLUB is a telling potentiality in urban-architectural expression in terms of the methodology of realizing a post-liberal civil society. Considering the highly destructive methods employed under this FIGHT CLUB potentiality, like the MAD MAX trilogy, this is a desperate method of transition should be avoided at all costs. Nonetheless, the political enunciation of FIGHT CLUB’s central collective body “Project Mayhem” has truth in contemporary civilization, and proves valid for academic study in terms of minor design expression.

At its core, the architectural expression exhibited in FIGHT CLUB fails to perform as minor product of the built environment due to the collective body for which the changes in the environment were intended to promote. Although a series of marginalized groups are featured in the film including the terminally ill, the mentally ill, an underserved proletarian class, and simply those spiritually unfulfilled in the mechanisms of consumer culture; the protagonist of the book and film is less invested in collectively enunciating the concerns of any such group and instead intent on devolving the dominant strata of political organization to a pre-historic feral condition. Providing for unity rather than collective solidarity, agents of Project Mayhem are themselves attempting to supplant their own version of a meta-narrative with the former historical-based one they were born into. This intention outside minority enunciation violates the Deleuzian *Kafka* framework, requiring a finding that Project Mayhem’s House on Paper Street fails as a minor expression of the built environment. In spite of this finding, the FIGHT CLUB story is a valid, important fable of the unintended consequences of neglecting to address widespread inequity perpetuated by any dominant cultural form.

Preface of Potential Bias: In January 2003, as a part of my Minimum Continuing Legal Education requirements as a new and youthful member of the State Bar of California (*See* **FIGURE 278**), I was shocked in the final hour of a long day of mandatory courses to be sitting in my first Alcoholics Anonymous [hereafter “AA”] meeting. After I rechecked the roster to make sure I was in the correct lecture hall, I found this was a basic training unit to be completed by all practicing attorneys in California every three years. Titled “Substance Abuse Training,” the lecturer spoke of his dramatic highs, lows, and his eventual redemption through the Twelve Step Program. I was most shocked when the AA counselor asked all those willing to raise their hands to do so if they had themselves participated in the Twelve Step Program to rehabilitate after drug or alcohol addiction. Of the 300 in the person lecture, at least 80% hall raised their hand without flinching.

At its heart, the novel *FIGHT CLUB* is a self-help guide book for those seeking redemption from the poverty of their lives packaged as a spiritual awakening for an entire generation. The novel’s author Chuck Palahniuk builds upon his own personal experience as it concerns the dynamics of the support group, creating from this now seemingly ubiquitous course of personal development his own male-centered black comedy. Contrasting from the film’s ending, Palahniuk’s protagonist in the novel is literally rescued from suicide by a support group he betrayed but who still care for him enough to risk their own lives to save him. Thereafter, instead of escaping capture as depicted in the film, the book ends with the protagonist undergoing rehabilitation in a mental institution.

I have two potential biases as it concerns this case study. First, in my own professional experiences, it seems many colleagues of a certain age have at one point or another had to commit to some sort of personal rehabilitation program like AA. Or worse yet, should have many years ago. This personal knowledge of former mentors, supervisors and coworkers in and of itself could bias research determinations if unchecked. Second, when *FIGHT CLUB* had its cinematic release, I was a big fan. Although these biases have existed since the outset of my research, after data triangulation and thorough analysis the reader should be assured of the finding’s independent validity. Immediately following are **FIGURES 278** through **292**, figures which graphically detail the conditions of the House on Paper Street case study.



(CLOCKWISE) (a) (LEFT) Author's 2011 State Bar of California Membership Card. (b) (ABOVE LEFT) Exterior set for FIGHT CLUB, featuring the "House on Paper Street" which was located at 240 N. Neptune Avenue, Wilmington, California. Image provided courtesy of Fox 2000 Pictures (1999). (c) (ABOVE RIGHT) Foam-core model of "House on Paper Street" used to navigate camera moves for the film FIGHT CLUB. Image provided courtesy of Fox 2000 Pictures (1999). (d) (BELOW) County Assessor's Map of location for the "House on Paper Street" created for the film FIGHT CLUB.

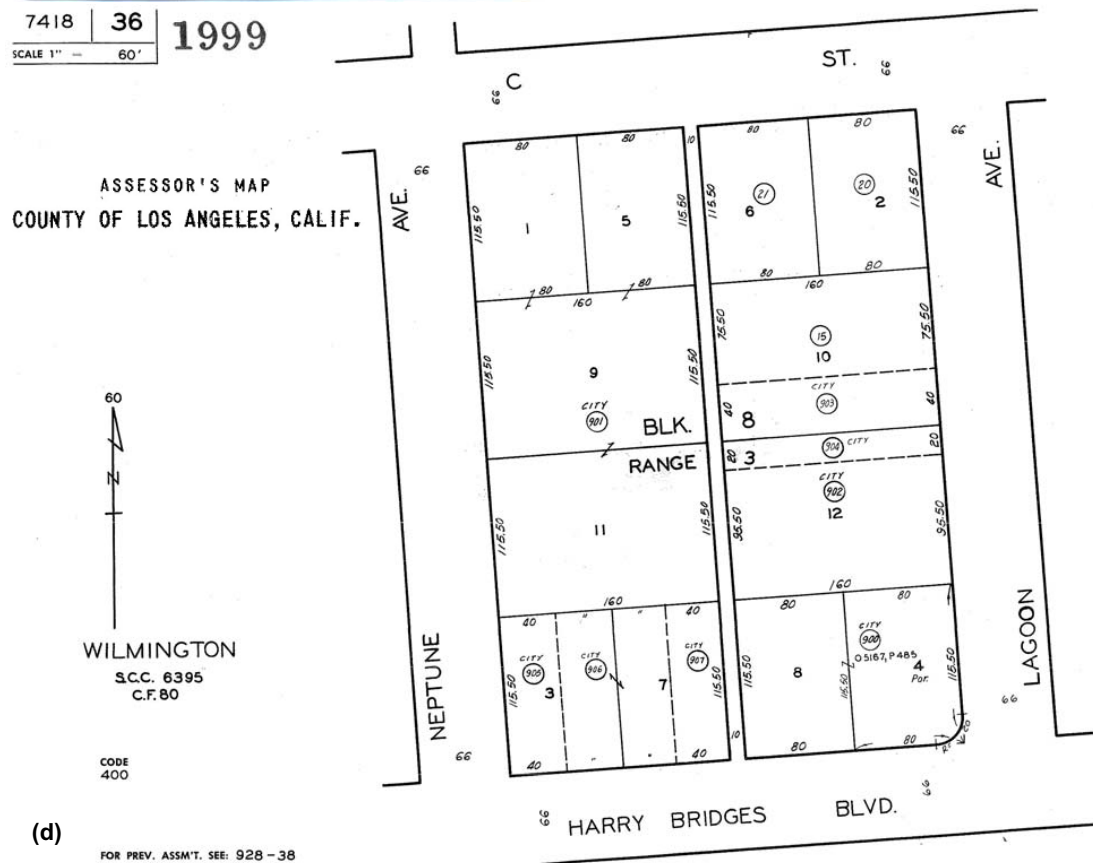


FIGURE 278. Images Supporting Case Background: House on Paper Street



FIGURE 279. Images Supporting Narrative: House on Paper Street

TIMELINE of PROJECT MAYHEM

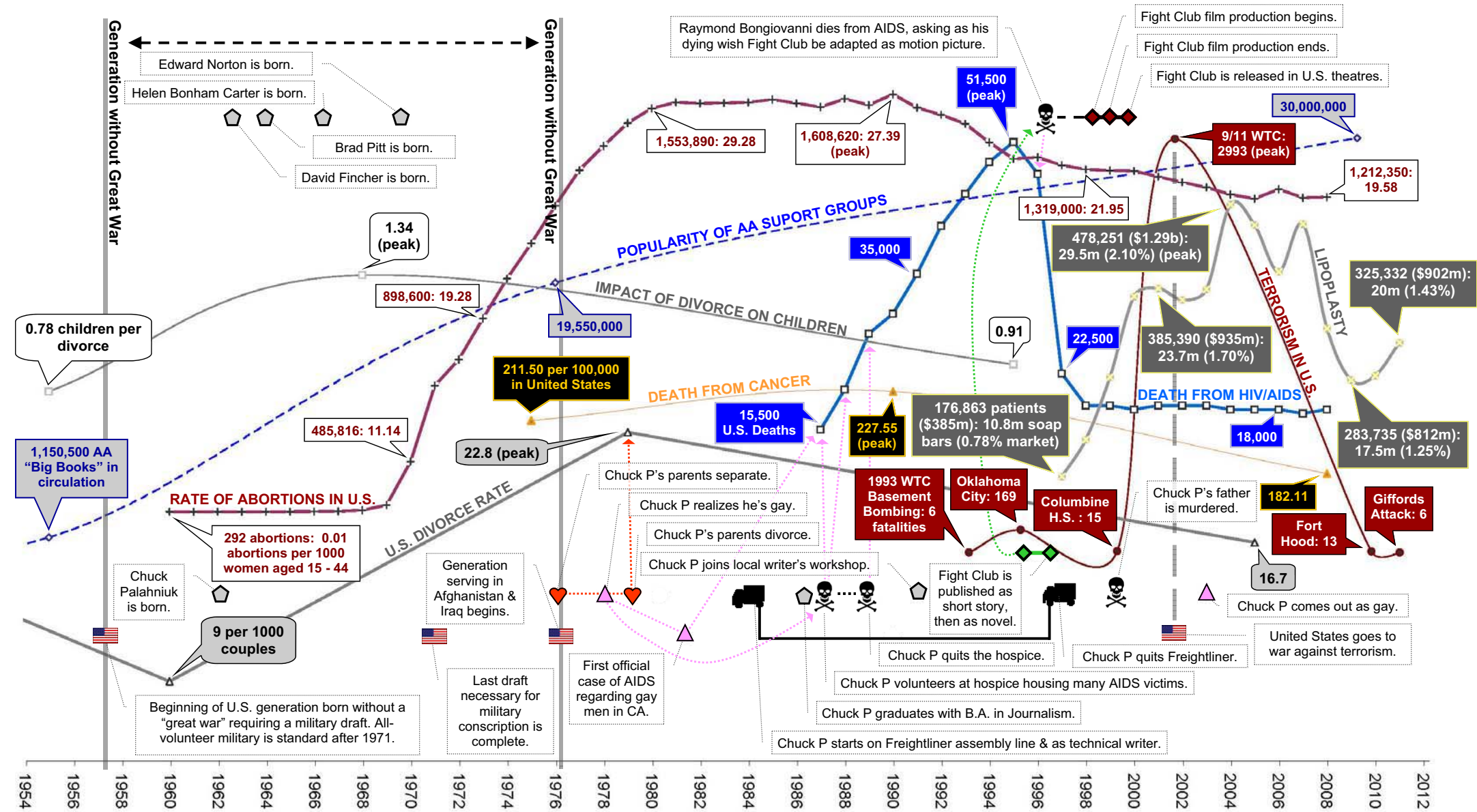


FIGURE 280. Project Mayhem Timeline

RHIZOMATIC TIMELINE OF PROJECT MAYHEM URBAN-ARCHITECTURAL FORM

Project Mayhem

- Project Mayhem deface the Hein Building.
- Fight Club is expanded to a nightly, multi-city organization.
- Tyler establishes Paper Street Soap Company.
- Robert Paulson dies during Project Mayhem operation.
- Project Mayhem castrate high ranking city officials.
- Project Mayhem destroys the Parker-Morris Building.

Self-Discovery

- Jack secures corporate sponsorship to allow Fight Club to establish franchises nationwide.
- Tyler & Jack begin Fight Club.
- Jack begins "touring" support groups to treat his insomnia.
- Tyler begins renting/squatting at House on Paper Street.
- Jack shoots himself, "killing" Tyler & merging his two sides into one.

Expression in Architecture

- Marla attends "Remaining Men Together," disrupting Jack's ability to express his own anguish.
- Tyler/Jack blow up Jack's condominium; Jack & Tyler fight. Jack moves in with Tyler at House on Paper Street.
- Defacement of downtown building to undermine social strata.

real world events

- Film production of Fight Club begins.
- Film production of Fight Club ends.
- Fight Club released in United States theatres.

Timeline (Year)

- Jan-1998
- Mar-1998
- May-1998
- Jul-1998
- Sep-1998
- Nov-1998
- Dec-1998
- Mar-1999
- Apr-1999
- Jun-1999
- Aug-1999
- Oct-1999
- Dec-1999

FIGURE 281. Rhizomatic Project Mayhem Timeline

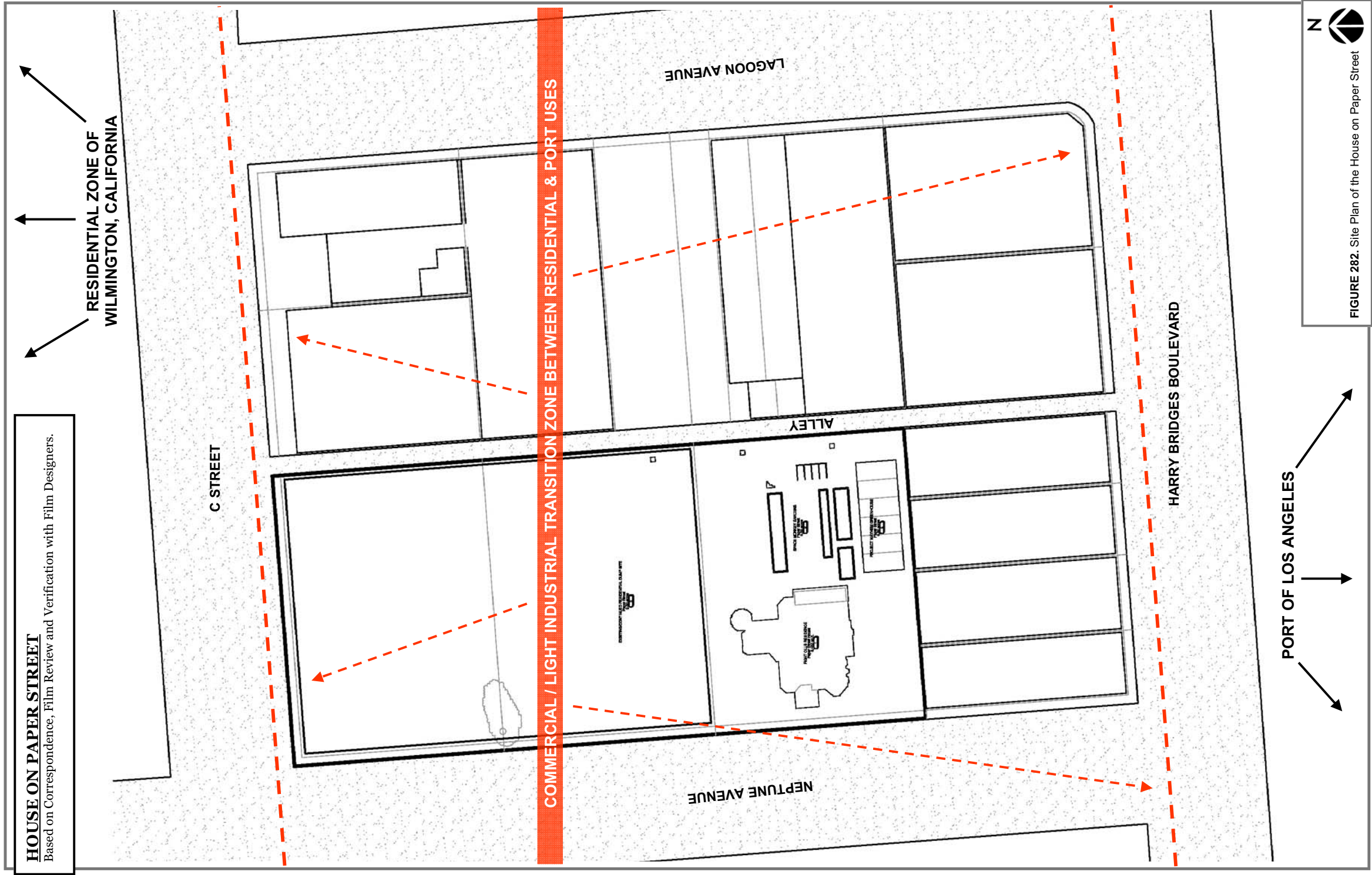
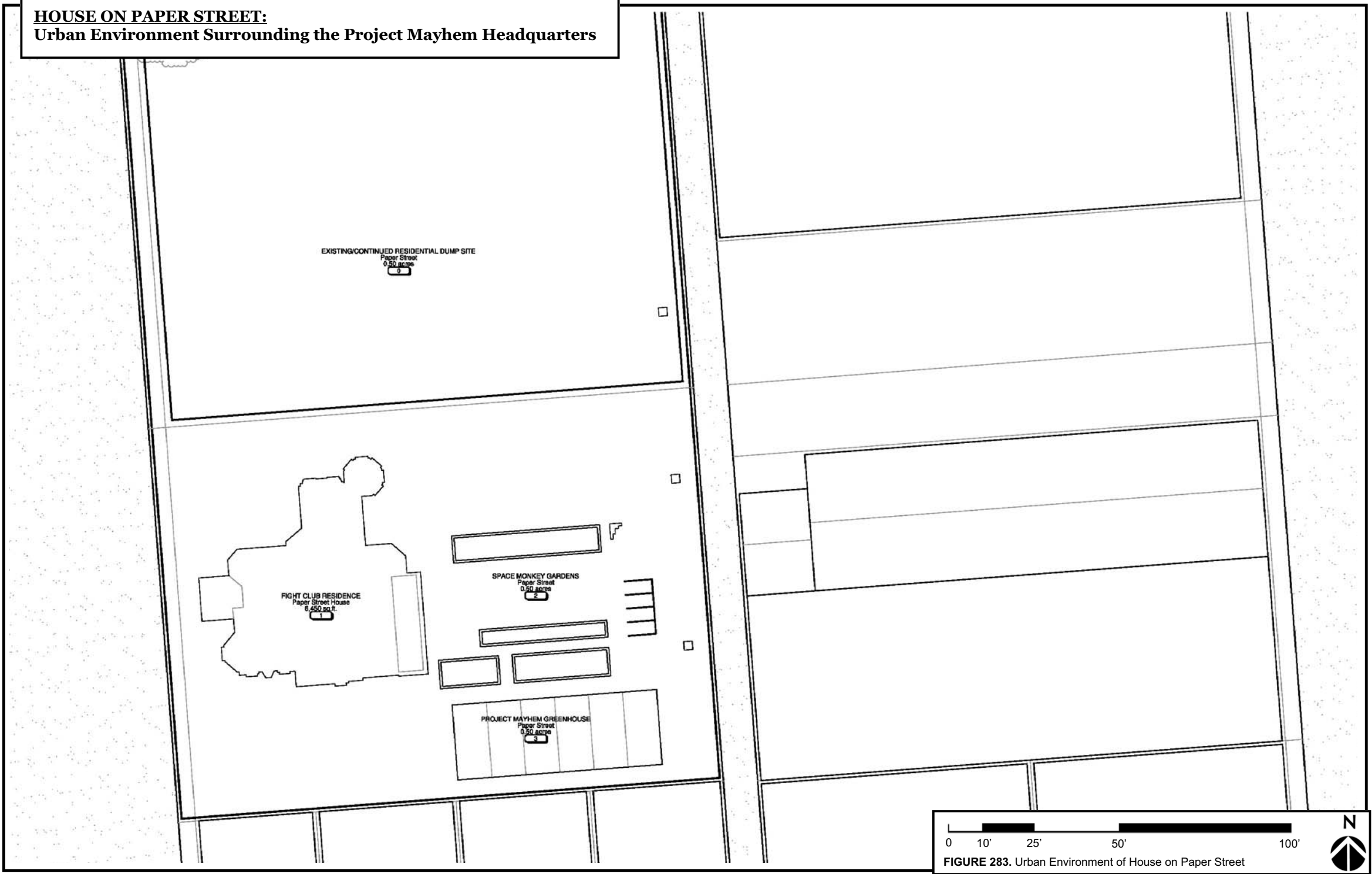


FIGURE 282. Site Plan of the House on Paper Street



**HOUSE ON PAPER STREET:
Basement, First Floor and Second Floor of House**

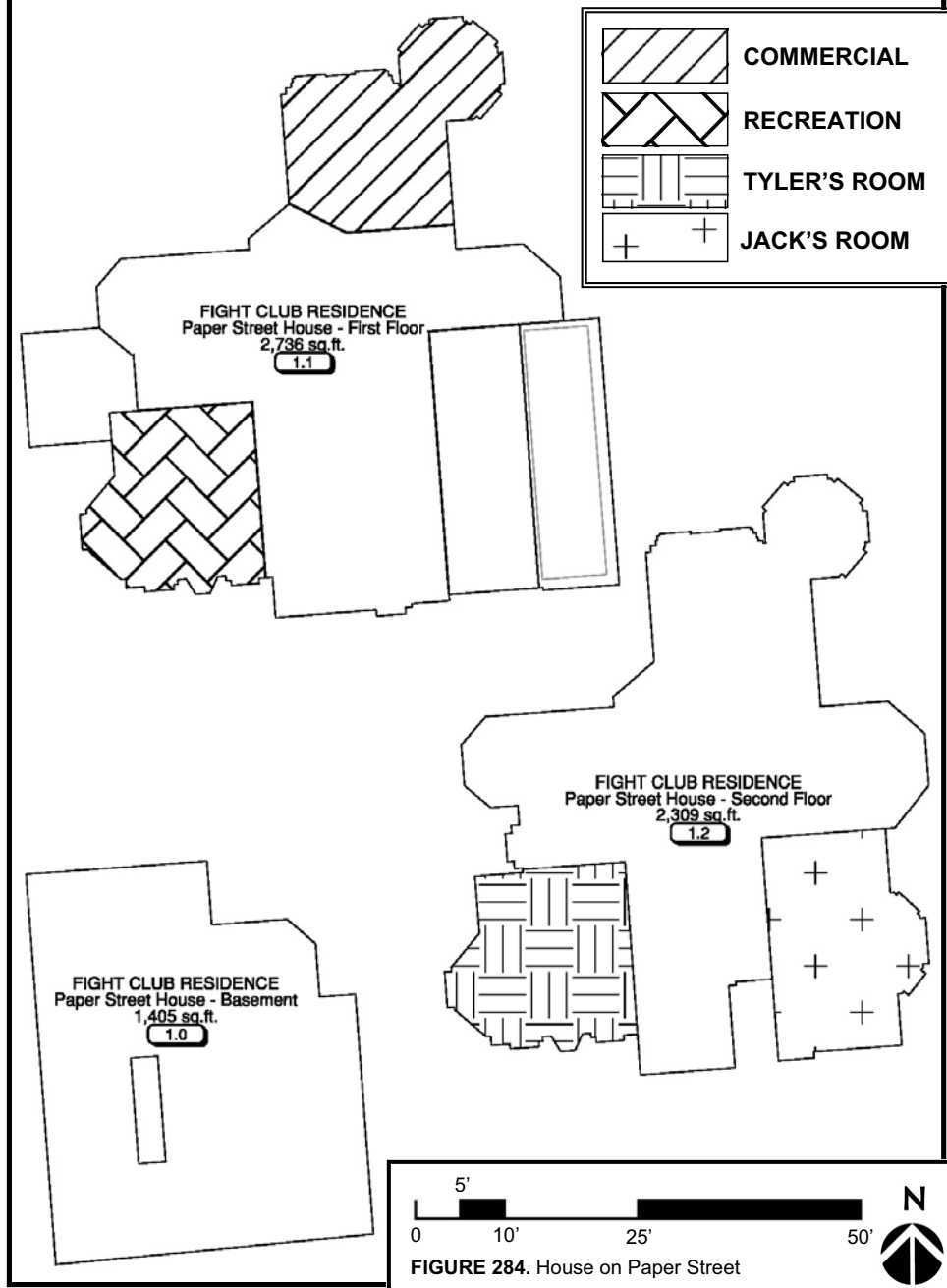
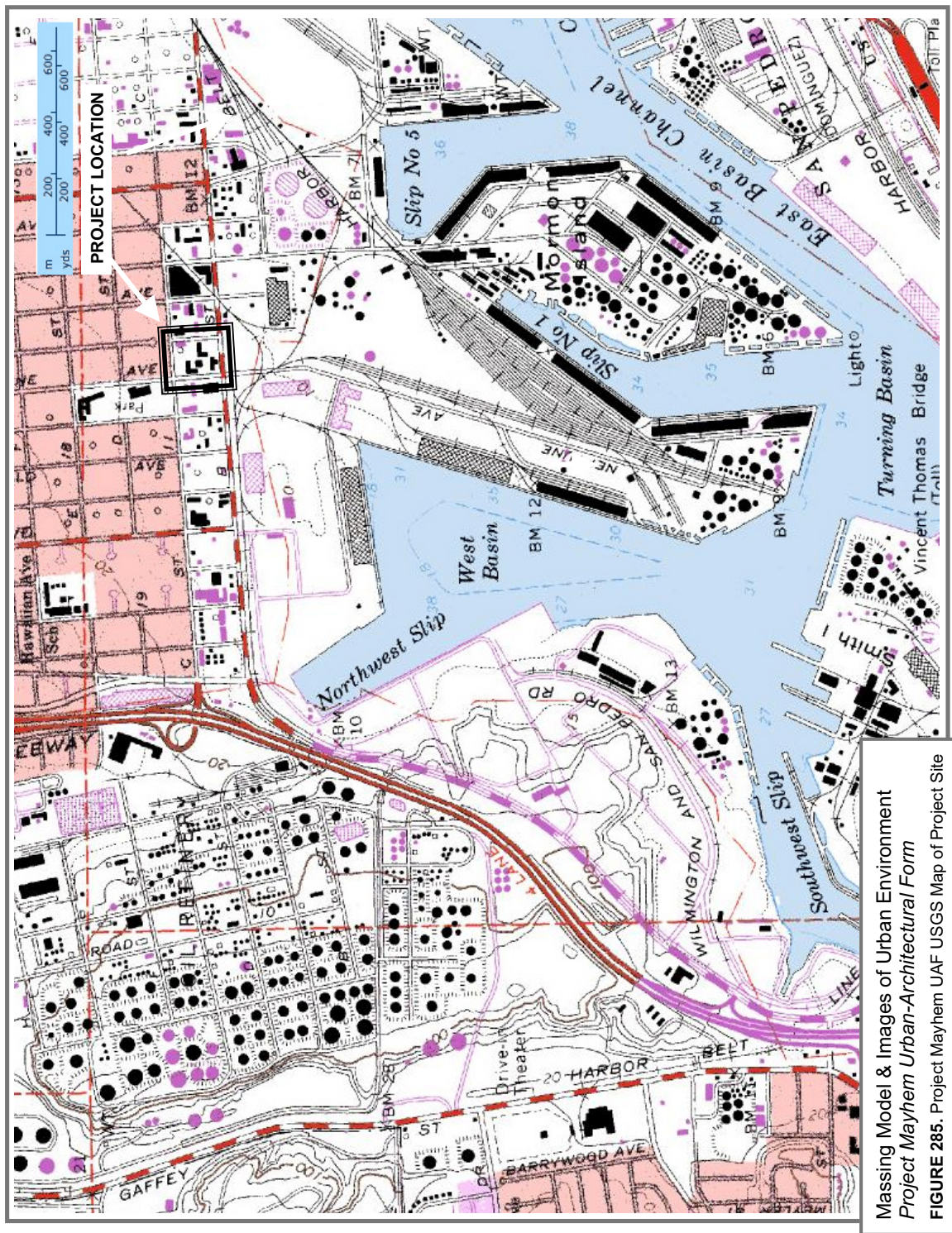


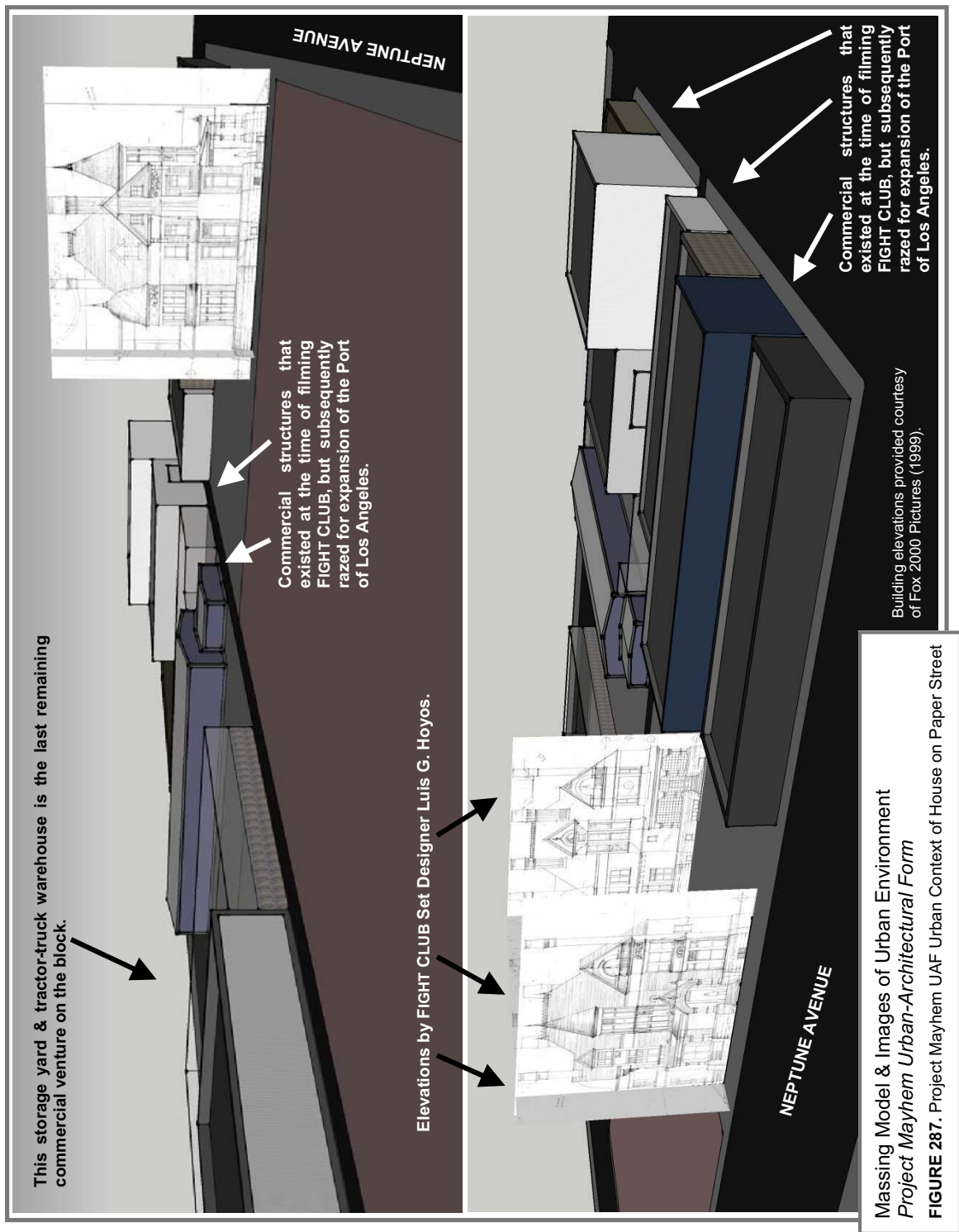
FIGURE 284. House on Paper Street

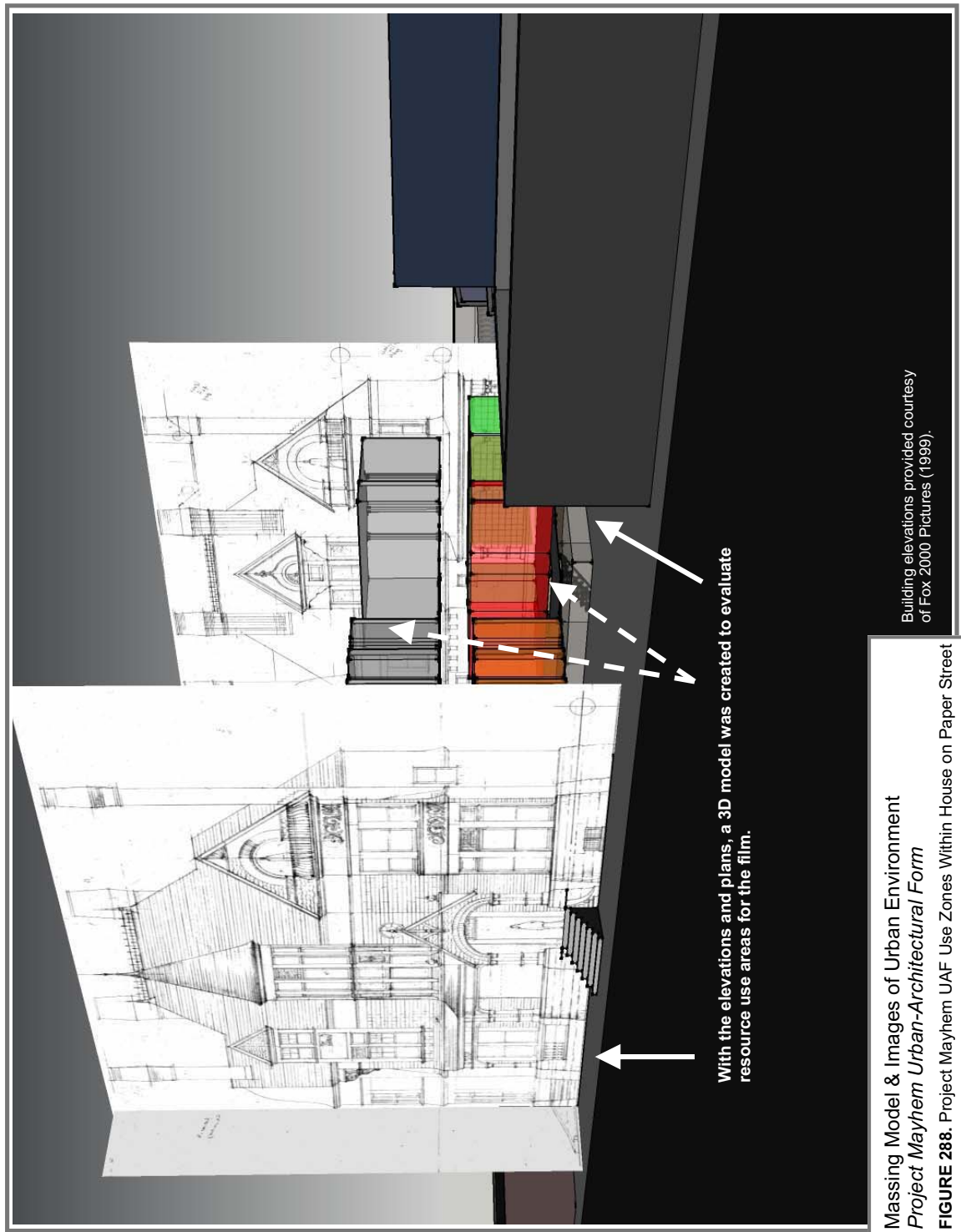


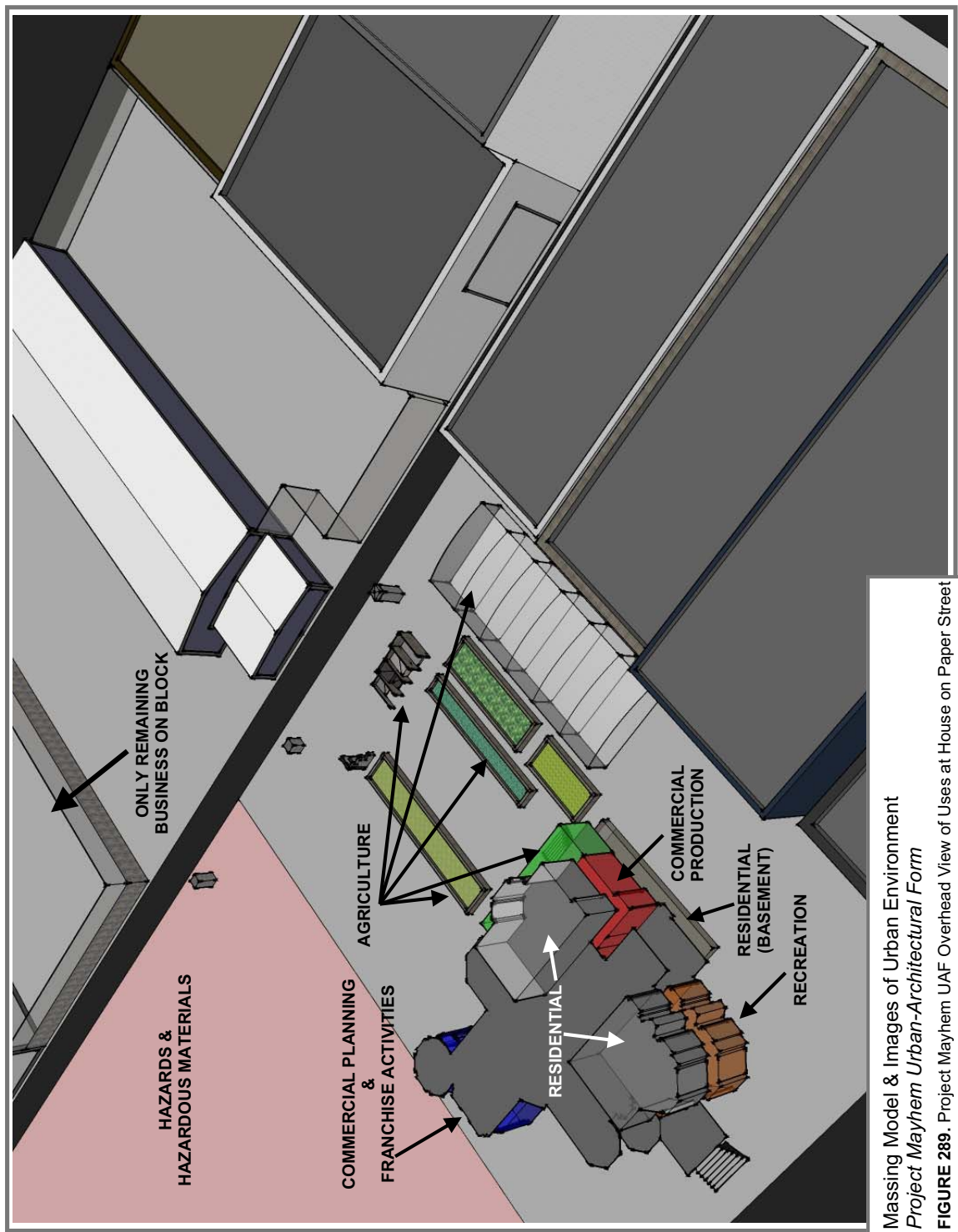
Massing Model & Images of Urban Environment
 Project Mayhem Urban-Architectural Form
 FIGURE 285. Project Mayhem UAF USGS Map of Project Site



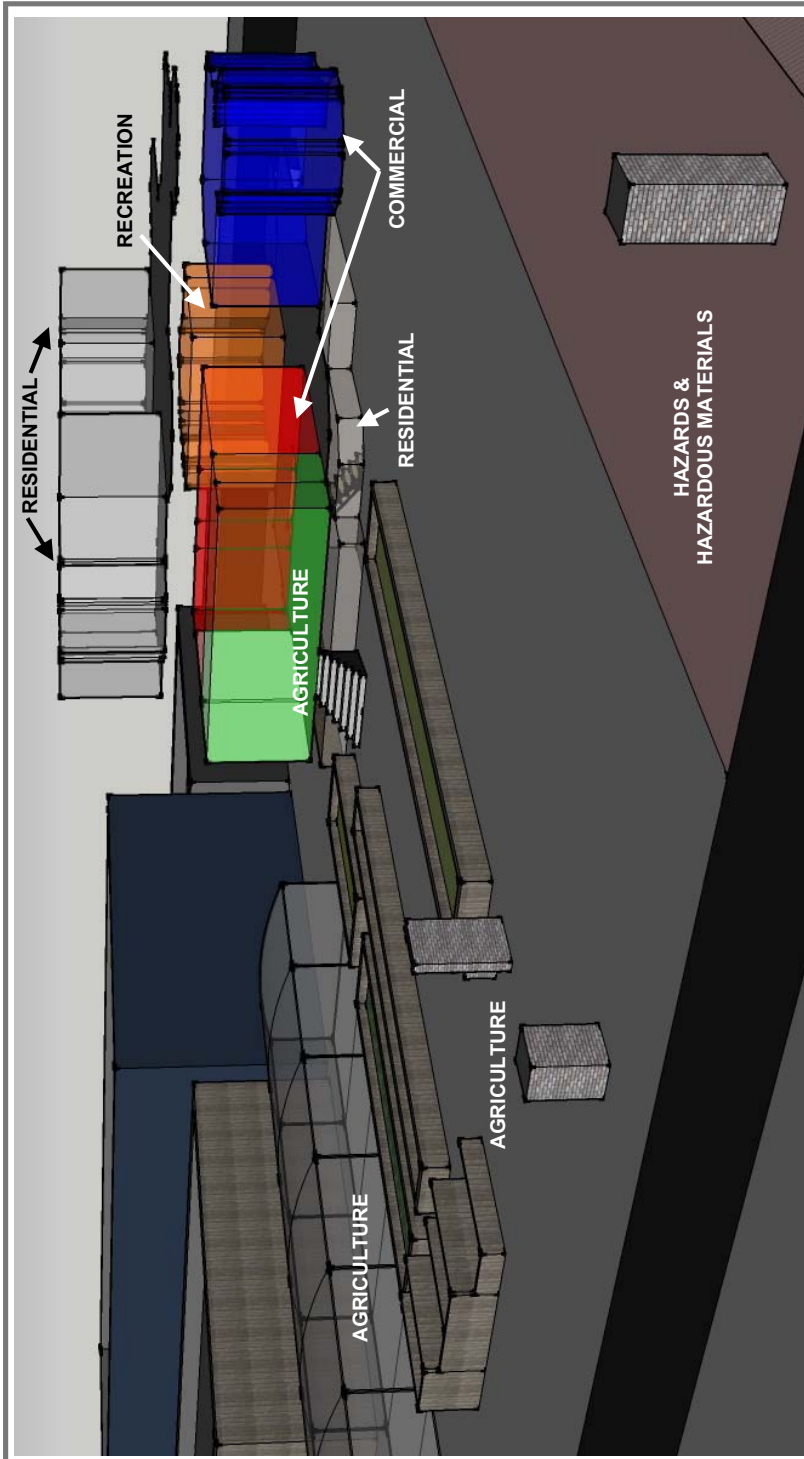
Massing Model & Images of Urban Environment
 Project Mayhem Urban-Architectural Form
FIGURE 286. Project Mayhem UAF Aerial Image of Project Site, 2004



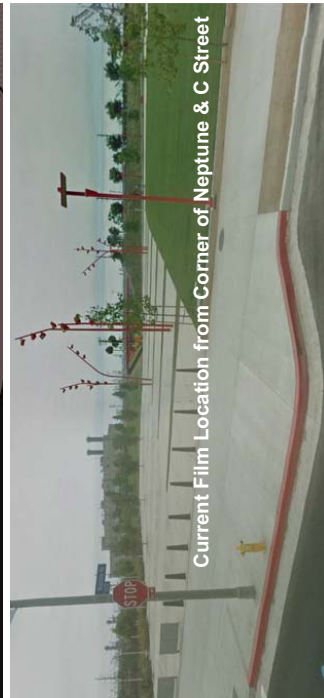




Massing Model & Images of Urban Environment
Project Mayhem Urban-Architectural Form
FIGURE 289. Project Mayhem UAF Overhead View of Uses at House on Paper Street



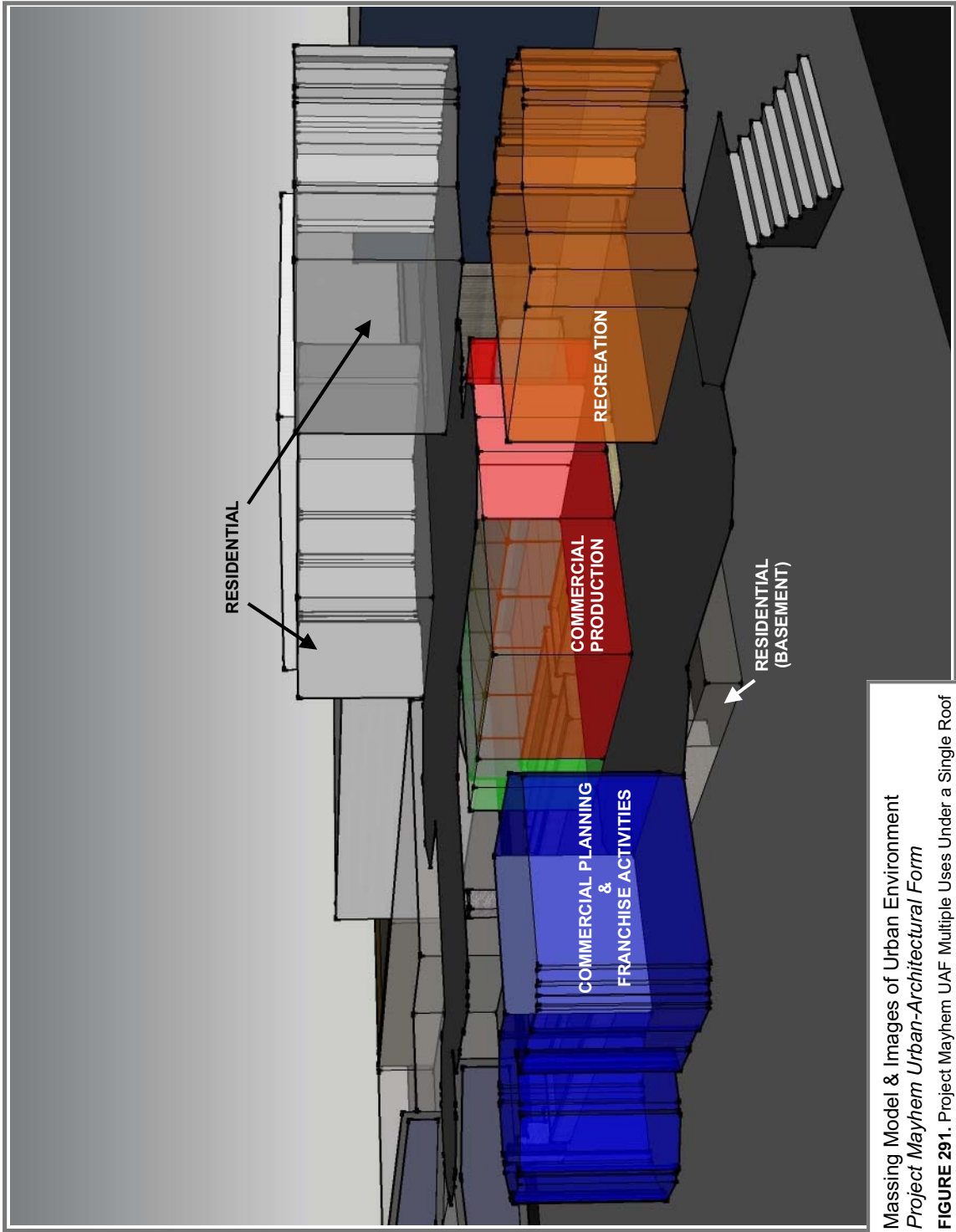
Current Film Location from Corner of Neptune & C Street



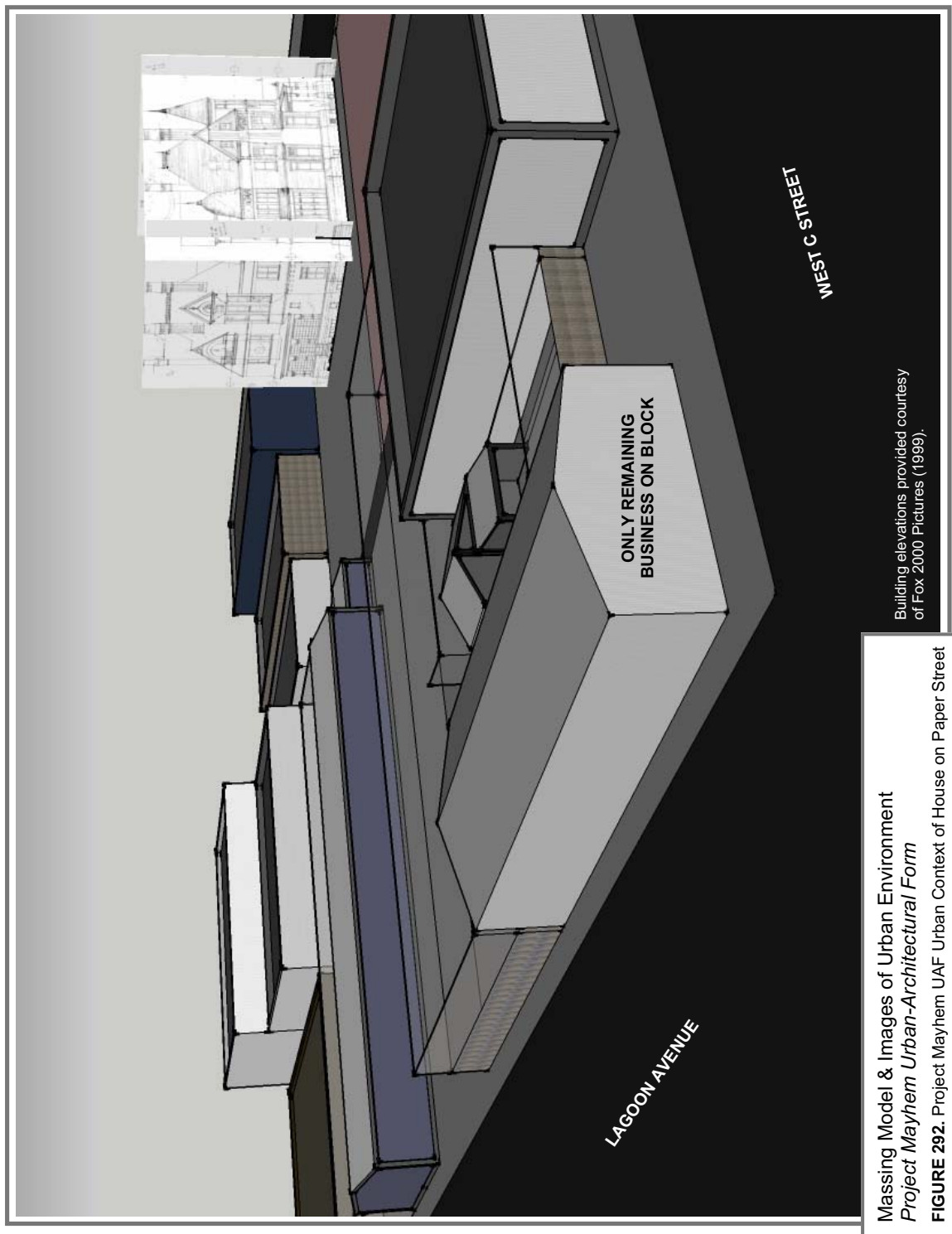
Current Film Location from Backyard of House on Paper Street

Massing Model & Images of Urban Environment
Project Mayhem Urban-Architectural Form

FIGURE 290. Project Mayhem UAF View from Backyard of House on Paper Street



Massing Model & Images of Urban Environment
Project Mayhem Urban-Architectural Form
FIGURE 291. Project Mayhem UAF Multiple Uses Under a Single Roof



Massing Model & Images of Urban Environment
Project Mayhem Urban-Architectural Form
FIGURE 292. Project Mayhem UAF Urban Context of House on Paper Street

Building elevations provided courtesy
 of Fox 2000 Pictures (1999).

D.6.1. Remaining Men Together

Born on February 21, 1962, Chuck Palahniuk is of the generation he self defines in his novel *FIGHT CLUB*. He is born too late to be impacted by the Vietnam War's draft, yet too old to participate in the War on Terrorism that commences after the events of September 11, 2001. Along with the filmmakers fiercely committed to making a fitting adaptation of his book, Palahniuk set out to create a testosterone-fueled version of *The Joy Luck Club* or *The Divine Secrets of the Ya-Ya Sisterhood*, with recipes and shared activities to tie together a small community's collective story.¹⁶³² Unlike these other best-selling novels-turned-cinema, Palahniuk's novel provided recipes for explosives, and the shared activity was consensual group-inflicted self-destruction, arson, and episodes of evangelistic assault.

Through his *FIGHT CLUB* literary work, Palahniuk effectively elicits sympathy for his generation he characterizes as the "middle children of history."¹⁶³³ Defined by divorce, cancer, HIV/AIDS, capitalist alienation, support groups, and a metric of status based on personal investment in consumer expression; both the book and movie are envisioned by its creators as a "crystallization and articulation of things that hadn't been named in most of the contemporary art of our generation."¹⁶³⁴ This generation includes the major marquee filmmakers including David Fincher, Brad Pitt, Jim Uhls, Helen Bonham Carter, and Edward Norton. Norton outlines his own identification with the material in comments he made as to the visceral nature of the *FIGHT CLUB* vision of generational strife:

the Reality Bites vision of our generation as an aimless-slacker, angst-ridden kind of affair was something that none of us had ever really related to. And it seemed a disdainful over-simplification that was being fed to us by the baby-boomer generation that on most levels underestimated the depth of the cynicism and paralysis and despair at the heart of a lot of people in our age group.¹⁶³⁵

Beyond simply the embedded generational dissonance, Palahniuk has taken literary aim at expressing a masculine perspective of the globalizing world that lacks non-monetary methods of enfranchising personal citizenship. Unlike veterans of the wars or past civil rights movements, the middle generation examined in both the *FIGHT CLUB* book and film has inherited an already politically correct and superficially peaceful normative culture. According to Palahniuk's logic, a male can only express his place in this culture he has been born with continued acquiescence; in

¹⁶³² See CHUCK PALAHNIUK, *STRANGER THAN FICTION: TRUE STORIES* xviii (2004).

¹⁶³³ PALAHNIUK'S *FIGHT CLUB*, *supra* note 128, at 55, 141. See also DAVID FINCHER (Director), *FIGHT CLUB* (Fox 2000 Pictures, 1999) at min. 1:10:39.

¹⁶³⁴ Chris Heath, *The Unbearable Bradness of Being*, *ROLLING STONE*, iss. 824, 66 (Oct. 28, 1999).

¹⁶³⁵ *Id.*

other words, with submission to the given specialized, market economy that alienates members from their work product as well as their inner primal instincts.

The book, and now the movie, is a product of all these people. And with everything added to it, the fight club story becomes stronger, cleaner, not just the record of one life, but of a generation. Not just of a generation, but of men.¹⁶³⁶

D.6.1.1. The Fountainhead

Rather than become overly invested in the generational, or even gender-based themes of the FIGHT CLUB story, this case study has as its focus the potentially minor expression of an on-screen urban-architectural form. The FIGHT CLUB story, both literary and cinematic, is especially concerned with the expressive value of architecture in contemporary culture. From the very first scene of the story through to the last sequence, an unending reference to the power embedded in the built environment is openly reviewed. At one rhetorical end, the typical international style office building is identified as the underlying tool for masculine alienation in contemporary society. At the other, the redemptive potential of industrial “waste” plots of modern America is demonstrated as the protagonist utilizes his newfound fringe home as a stage for self-created community, ameliorative planning and collective action.

In this polemic dialogue within the FIGHT CLUB story, the ultimate “win” for society according to the script’s protagonist is the coordinated destruction of a series of buildings that house the credit records of the whole consumer society. This theme of destroying monumental architecture so as to express a rejection of the built environment’s representative value is not new; in fact, it has classical origin-stories for buildings like the Parthenon of Athens and the Wailing Wall in Jerusalem. In a contemporary setting this concept of destroying Modernist architecture for the sake of its own symbolism had perhaps its first fictional occurrence in Any Rand’s *THE FOUNTAINHEAD*, written in 1943 and presented as a film in 1949:

The sound was the crack of a fist on the back of her head. She felt the thrust of the earth against her, flinging her up to her feet, to the edge of the trench. The upper part of the Cortland building had tilted and hung still while a broken streak of sky grew slowly across it. As if the sky were slicing the building in half. Then the streak became turquoise blue light. Then there was no upper part, but only window frames and girders flying through the air, the building spreading over the sky, a long thin tongue of red shooting from the center, another blow of

¹⁶³⁶ See PALAHNIUK’S *STRANGER THAN FICTION*, *supra* note 128, at 230.

a fist, and then another, a blinding flash and the glass panes of the skyscrapers
across the river glittering like spangles.¹⁶³⁷

This violence against the built environment was perpetuated by none other than the building's own designer, Howard Roark, a fictional caricature based on Frank Lloyd Wright's personality and the design language of Mies van der Rohe. Retelling a common Adolf Loos mantra regarding Modernism that it is downright criminal to apply ornament where it is unnecessary, the protagonist in *THE FOUNTAINHEAD* story must destroy his own creation due to the ornament other "second-handers" (non-designers) have applied to his genius. At a fictional trial where this architect caricature testifies on his own behalf, Roark explains himself in this manner:

I am an architect. I know what is to come by the principle on which it is built. We are approaching a world in which I cannot permit myself to live.
Now you know why I dynamited Cortlandt.
I designed Cortlandt. I gave it to you. I destroyed it.
I destroyed it because I did not choose to let it exist. It was a double monster. In form and in implication. I had to blast both.¹⁶³⁸

Even today, Rand's *THE FOUNTAINHEAD* is understood to be mandatory reading for *serious* architecture students, a text that carries over into the office politics of architecture firms. Depending on the course of a design project, an intern can be labeled a "Howard Roark," a city planner as an "Ellsworth Toohey," and a deep-pocketed client as a "Gail Wynand." Strangely, the text of the book taps into an underlying paradox of the designer. As a profession, most designers are exceptional civil and well mannered, a culture of client adulation perpetuated since Imhotep¹⁶³⁹ created the first column for the Third Dynasty Djoser. In spite of such expectation of civility, in back rooms and on job-site commutes, designers recant a regular list of structures they wish to blow up; in essence, a hypothetical countdown of urban destruction for the betterment of human society.¹⁶⁴⁰

Beyond this simple righteousness many designers feel towards their subject, the character Roark personifies in his hero's tale is one that is not afraid of pain, fighting, monk-like devotion or destitute. Rand paints Roark as an individual with the utmost integrity that he must defend with violence as necessary. This integrity drives a love story between Roark and heroine Dominique

¹⁶³⁷ AYN RAND, *THE FOUNTAINHEAD*, 616 (1943).

¹⁶³⁸ *Id.* at 683.

¹⁶³⁹ Even Imhotep's name is today translated as "the one who comes in peace, is with peace." Imhotep is typically considered the first professional architect in human history between 2667 BC and 2648 BC.

¹⁶⁴⁰ Recently the periodical *CALIFORNIA HOME + DESIGN* surveyed architects so as to ascertain the top 25 buildings that should be demolished. *YAHOO! NEWS* reposted the top ten on the list, a list which was headed by Michael Graves's Portland Building in Portland, Oregon. See Sarah Firshein, *10 Buildings That Should be Demolished*, *CURBED/CALIFORNIA HOME + DESIGN* (Jun. 28, 2012) <<http://realestate.yahoo.com/news/10-buildings-that-should-be-demolished.html>>.

Francon, a woman who regularly destroys transformative art rather than allowing unappreciative people to undermine the art's beauty with even a gaze. Dominique, a woman so pure in her drive to avoid any personal submission by physical attraction, invites a consensual pseudo-rape interchange by Roark to acknowledge her inevitable feelings for him.

The book evokes a unique portrayal of both human relationships and the relationship of users in the legibility of their monumental architecture. Important here is that Roark differentiates himself from most designers with bombastic self-assurance, an endless pursuit of design purity, and his comfort with the necessarily violent response required of him to maintain his integrity. Perhaps proving an underlying psychotic disposition, Roark initiates his relationship with Dominique employing consensual sadomasochist behavior. Roark then confirms his inevitable commitment to Dominique with a public act of arson against a building of his own design. In such a manner, this undying commitment to integrity exhibited in Roark is a literary precursor to Palahniuk's self-destructive character Tyler Durden. At the very core of their common beliefs, they both exhibit a will for personal liberty in the realized product of their labor. Rand enunciates this idea best with Roark's testimony at the fictional trial:

I came here to say that I do not recognize anyone's right to one minute of my life. Nor to any part of my energy. Nor to any achievement of mine. No matter who makes the claim, how large their number or how great their need.¹⁶⁴¹

In extension of Roark's libertarian views, the supreme priority of personal liberty for Durden does not end with the present generation of the needy or numerous. Durden applies his own will for liberty against the narrative of accumulated civilization as he rejects the financial, cultural and environmental debt amassed prior to Durden's arrival in history and done so without his consent.¹⁶⁴² Here, Palahniuk is illuminating a second reflexive generation of personal liberty *against* the capitalist ideology Rand wrote to bolster in the early 1940s. In other words, the same capitalist theme Rand believed to accommodate personal liberty is rejected by Palahniuk's characters due to the accumulated limitations to personal liberty this capitalist ideology embeds in society.

¹⁶⁴¹ RAND, *supra* note 1637, at 684.

¹⁶⁴² PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 124. At the top of the page, it reads "For thousands of years, human beings have screwed up and trashed and crapped on this planet, and now history expected me to clean up after everyone." At the middle of the page, it reads "We wanted to blast the world free of history."

D.6.1.1.1. Weather Underground Organization

This exercise of nonlethal violence against real property is not limited to fringe characters of culture. Arguably the most successful contemporary underground group to advocate their cause by targeting architectural fixtures was the Weather Underground Organization [hereafter “WUO”], a secret cadre of anti-Vietnam activists that detonated bombs in 27 buildings located in 18 different cities between October 7, 1969 and September 5, 1975 (See **TABLE 28**).¹⁶⁴³ The WUO began as the “Action Faction” of the Students for a Democratic Society [hereafter “SDS”], but in June of 1969, the Action Faction took over all actions of the SDS at a delegate conference in Chicago.¹⁶⁴⁴ By the next month, the WUO was born from the demise of the SDS, as newly radicalized members were traveling to Cuba to learn guerrilla methods of leftist revolution from North Vietnamese and Cuban delegates.¹⁶⁴⁵

As membership was highly educated, committed and thoughtful in their organizational execution, WUO members avoided capture by the FBI throughout their campaign. Not until years after the anti-Vietnam war campaign ended did many of the members turn themselves into the criminal justice system so as to come out of hiding. At some point in the 1980’s, most veterans of the WUO pursued jobs as professors, nonprofit executors and bar owners after finding they could avoid prosecution due to both the lack of evidence and the illegal means the FBI employed to track them.¹⁶⁴⁶

Beginning in June 1969, the WUO grew from a collective belief held by the SDS that their representative government was not only perpetuating racially-charged violent acts against the Black Panthers and other civil rights organizations, but this government was causing unabated death and destruction in Vietnam. Seemingly surrounded by violence, the WUO formed to directly fight fire with fire, and quickly began acts of violent revolution in the United States. Under this guise, the organization began the “Days of Rage” protest in Chicago which was initiated with the bombing of the Haymarket Police Statue. From this point in time until March 6, 1970, the WUO assumed that American casualties were a given aspect of revolution, justifying such a position because members believed that if you were not actively fighting the American administration, you were guilty for allowing perpetuated atrocities to continue. From October 7, 1969 until March 6, 1970, the WUO was successful in bombing a number of police cars, the

¹⁶⁴³ Weatherman Underground Summary, Report of the Acting Special Agent in Charge (SAC) Chicago, FEDERAL BUREAU OF INVESTIGATION, 176 – 185 (Aug. 20, 1976).

¹⁶⁴⁴ *Id.* at iii.

¹⁶⁴⁵ *Id.*

¹⁶⁴⁶ SAM GREEN & BILL SIEGEL, (Directors) THE WEATHER UNDERGROUND (The Free History Project, 2002).

Haymarket statue, and the Golden Gate Park Station of the San Francisco Police Department. In the San Francisco bombing, one policeman was killed and a second was injured.

On March 6, 1970, the WUO suffered a major setback as three activists died after mistakenly detonating a bomb in their New York City townhouse. Immediately after suffering such a catastrophic loss in their own group, the rest of the WUO members vowed to never hurt or kill anyone with their planned acts of violence. Rather, they insisted on bombing the “house” of their representative government so as to both impact the effectiveness of the targeted administration and psychologically advance *the* goal of ending the Vietnam War. But for the death of the policeman in San Francisco and the three deaths of WUO members in New York City, no others were killed or hurt in the next five years of anti-war violent activism.

Two things are interesting as to the activities regarding the WUO and past cases of this paper. The first note is in regard to the bombing on October 8, 1970, in Santa Barbara, California. As discussed in the previous case regarding the Isla Vista Recreation & Park District, the violence that exploded in Isla Vista in 1970 had a telling impact on the development of the small ocean-side hamlet. The WUO followed in Isla Vista’s violent footsteps by detonating an explosive in the New York City Bank of America on June 9, 1970, nearly four months after the riots outside UCSB. One of the acts directly attributed to the WUO by the FBI, although it was claimed by Isla Vista’s local “Perfect Park Home Grown Garden Society” was the bombing of the National Guard Facility on October 8, 1970. The FBI writes the following regarding this bombing in Santa Barbara:

Although the WUO did not claim credit for this explosion, it can be logically concluded that they were in fact involved. This assumption is based on certain of their remarks contained in their October 6, 1970 “Fall Offensive” statement in which the WUO indicated that additional attacks would take place in the next week and would be carried out by “families and tribes” around the country. In addition they specifically mentioned that youth resistance would spread from Santa Barbara to Boston.¹⁶⁴⁷

A second point of interest concerns the previous case regarding the Emergent Cannabis Community of Arcata. Due to the fact that the WUO accidentally detonated a bomb they were constructing in a residential structure in New York City, conceivability by the general public that such activists (terrorists?) might kill themselves in the execution of activist activities thereafter became a sort of conventional wisdom. This narrative of the “fringe activist self-destructing” enabled both the FBI and the Oakland City Police to mishandle the investigation of the car bomb

¹⁶⁴⁷ Weatherman Underground Summary, *supra* note 1643, at 180.

that injured both Judi Bari and Daryl Cherney in plain sight. As discussed previously, regardless of the reasons for why the FBI and Oakland Police mishandled the investigation, a jury found in 2002 that the civil rights of Ms. Bari and Mr. Cherney were violated to such an extent that a \$4.4 million judgment was warranted from the agencies.¹⁶⁴⁸

D.6.1.1.2. Demolitions Committee¹⁶⁴⁹ of Project Mayhem

As depicted in the FIGHT CLUB story, Tyler Durden is a textbook model of *the* self-destructive fringe activist. As much as Chuck Palahniuk painted Tyler as an ecologically-minded anti-consumerist fountainhead for his middle “wasted” generation, Jim Uhls embodied in the charismatic hero all the convictions, smarts and critical knowledge necessary to illuminate a second-generation WUO leader in the making (See **TABLE 28**). Here, at the end of both the book and film, the resolve of this fictional leader who is attributed with beginning the FIGHT CLUB phenomenon is proven as he coordinates the destruction of all the major banking buildings across the United States. Further, proving his commitment to destroy the “double monster” identified by Roark, but simultaneously avoids missing an opportunity to recruit new members to his movement; Durden expressly manages to evacuate all buildings that are marked for destruction. As he assures the protagonist Jack in the film of the truth of their cause, he says:

We’re not killing anyone, man; we’re setting them free.¹⁶⁵⁰

Here, by incinerating those building hosting the credit records of the world’s finance system, the Demolition’s Committee as created by Durden can both undermine the symbolism (implication) of these buildings as well erase the bureaucratic content they inherently protect (form). Unintentionally reflecting the lessons learned from the Vietnam War-era WUO, by avoiding casualties Durden can instead successfully enfranchise greater membership with each act of public violent activism.

¹⁶⁴⁸ Jim Herron Zamora, *After 11 Years, Jury Vindicates Earth First Pair*, SAN FRANCISCO CHRONICLE, A1 (Jun. 12, 2002).

¹⁶⁴⁹ FINCHER, *supra* note 1633, at mins. 00:02:36 – 00:02:44. In the film version, the committee responsible for taking down the major corporate buildings of a multitude of cities is referred to the “Demolitions Committee.” Palahniuk’s book, there are only four committees in Project Mayhem: Arson, Assault, Mischief and Misinformation. According to Palahniuk’s text, most likely the massive demolition project ending both the book and the film would have been a joint project of both Arson & Mischief. Even so, the book is not clear which committee was responsible for ultimate planning and execution of the massive undertaking. See PALAHNIUK’S FIGHT CLUB, *supra* note 128, at 135.

¹⁶⁵⁰ *Id.* at mins. 02:06:18 – 02:06:20.

TABLE 28. Summary of WUO Bombings

DATE	DESCRIPTION OF WUO BOMBINGS (Oct. 1969 – Sept. 1975)	Location
October 7, 1969	Successful Bombing of Haymarket Police Statute as start of three-day "Days of Rage."	Chicago, IL
December 6, 1969	Successful Bombing of Police Vehicles. No casualties or injuries.	Chicago, IL
February 13, 1970	Successful Bombing of Police Vehicles. No casualties or injuries.	Berkeley, CA
February 16, 1970	Successful Bombing of Golden Gate Park Bank of San Francisco Police Department. Casualties include the death of one police officer, and the injury of a second police officer.	San Francisco, CA
March 6, 1970	Three members of the WUO including Theodore Gold, Diana Oughton & Terry Robbins are killed after accidentally detonating a bomb created by the WUO meant for a government building. After the accidental deaths of their members, the WUO vowed to avoid the lethal use of their violent tactics.	New York City, NY
March 6, 1970	<i>Unsuccessful Bombing of 13th Police District. No casualties or injuries.</i>	<i>Detroit, MI</i>
May 10, 1970	Successful Bombing of National Guard Association. No casualties or injuries.	Washington, D.C.
June 5, 1970	Unsuccessful Bombing of San Francisco Hall of Justice. No casualties or injuries.	San Francisco, CA
June 9, 1970	Successful Bombing of NY Police Department Headquarters. No casualties or injuries.	New York City, NY
June 9, 1970	Successful Bombing of Bank of America at 41st Broad Street. No casualties or injuries.	New York City, NY
October 5, 1970	Successful Bombing of the reconstructed Haymarket Statute. No casualties or injuries.	Chicago, IL
October 8, 1970	Successful Bombing of Hall of Justice. No casualties or injuries.	Warin County, CA
October 8, 1970	Successful Bombing of National Guard Facility by a group called the " Perfect Park Home Grown Garden Society. " No casualties or injuries.	Santa Barbara, CA
October 10, 1970	Successful Bombing Long Island City, New York Court House. No casualties or injuries.	Long Island, NY
October 14, 1970	Successful Bombing of Harvard University Center for International Studies. No casualties or injuries.	Cambridge, MA
March 1, 1971	Successful Bombing of United States Capitol. No casualties or injuries.	Washington, D.C.
August 28, 1971	Successful Bombing of Office for California Prisons. No casualties or injuries.	Sacramento, CA
August 28, 1971	Successful Bombing of Department of Corrections, Ferry Building. No casualties or injuries.	San Francisco, CA
August 28, 1971	Successful Bombing of California Department of Rehabilitation. No casualties or injuries.	San Mateo, CA
September 17, 1971	Successful Bombing of New York State Corrections Department in the Twin Towers building. No casualties or injuries.	Albany, NY

TABLE 28. Continued

October 15, 1971	Successful Bombing of Hermann Building Center for International Affairs at MIT. No casualties or injuries.	Cambridge, MA
May 19, 1972	Successful Bombing of U.S. Pentagon Building. No casualties or injuries.	Arlington, VA
May 18, 1973	Successful Bombing of several NY Police Department cars parted at 103rd Precinct. No casualties or injuries.	New York City, NY
September 27, 1973	Successful Bombing of the Latin American headquarters of the International Telephone & Telegraph Company. No casualties or injuries.	New York City, NY
March 7, 1974	Successful Bombing of the Department of Health, Education and Welfare within U.S. Federal Building. No casualties or injuries.	San Francisco, CA
March 14, 1974	Successful Stink-bombing of the Hilton Hotel at honorary dinner for then Governor Nelson Rockefeller. No casualties or injuries.	New York City, NY
May 31, 1974	Successful Bombing of the LA Office of the California Attorney General. No casualties or injuries.	Los Angeles, CA
June 13, 1974	Successful Bombing of the International Headquarters of the Gulf Oil Corporation. No casualties or injuries.	Pittsburg, Pennsylvania
September 10, 1974	Successful Bombing of the Anaconda American Brass Company. No casualties or injuries.	Oakland, CA
October 17, 1974	Successful Stink-bombing of the Boston, Massachusetts School Committee. No casualties or injuries.	Boston, MA
January 28, 1975	Successful Bombing of the U.S. State Department. No casualties or injuries.	Washington, D.C.
January 28, 1975	<i>Unsuccessful Bombing of Agency for International Development & U.S. Defense Department. No casualties or injuries.</i>	Oakland, CA
June 16, 1975	Successful Bombing of the Banco (Bank) de Ponce, 10 Rockefeller Plaza. No casualties or injuries.	New York City, NY
September 5, 1975	Successful Bombing of the Kennecott Copper Company. No casualties or injuries.	Salt Lake City, UT

D.6.1.1.3. By Means of Nonlethal Violence¹⁶⁵¹

So as to unravel the logic that superficially appears nihilistic, a review of both the literary and cinematic expressions of Durden's systemic approach to globalization belies a potentially rational, even perhaps *hopeful* end to his cultural prescription. Although the book and movie do not initially appear to be proclamation of deep ecology philosophy due to the industrial-urban setting, the characters' obsessions with anthropocentric ailments, and the aesthetic fixation on a socially reinforced neglect of the environment. In a conversational style and so as to introduce

¹⁶⁵¹ It is important to note that Palahniuk's book version of the FIGHT CLUB story involved more lethal violence than Fincher's cinematic version written by Jim Uhls. In the book, both Jack's immediate supervisor and a man named Patrick Madden, the mayor's special envoy on recycling, were murdered in furtherance of the goals of Project Mayhem. See PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 185, 198-199.

his perspective on the story, Palahniuk directs commentary listeners to the environmental core of his “man” story:

Uhmm, I had gone on a vacation, I had been hiking and camping, and I had gotten into a really big fight with some people over noise at night in the woods. Ya know, some people who just *had* to camp right next to our camp; just *had* to bring some huge radio up to 3,000 feet on the Pacific Crest Trail, and have a, some big blowout party in the middle of the night. And I came back to work at the end of my vacation with my face just bashed, like Jack at the urinal next to his boss.

My face was so awful, and so trashed, that nobody would acknowledge it; because to acknowledge it, somehow they would have to find out something about my private life they just did not want to know. And so, for three months, as my face slowly changed color, eventually coming back to white, people would look at my chest, and they would talk to my Adam’s apple, and they would say: “So, how was your weekend? Did you do anything interesting?” And I would be looking at them with two huge black eyes saying: “No – how about you?” It just seemed so ludicrous, I thought, if you looked bad enough, no one would dare ask you what you did with your free time.

And that was the genesis of Fight Club.¹⁶⁵²

A second important element of this story is the relative comfort the writer expresses in using self-help means to remedy his personal noise complaint. Here, Palahniuk is unintentionally making it known that he was characteristically like Durden in that he was at the time “aggressive, glib, and uncomfortably comfortable with the use of violence as a means to an end.”¹⁶⁵³ Palahniuk indicates in interviews and personal stories that he did get into fights regularly,¹⁶⁵⁴ that he violently experimented with his own body,¹⁶⁵⁵ and that he was very angry prior to finally committing to write FIGHT CLUB as a “kiss-off” to all the publishers who had rejected his prior manuscripts.¹⁶⁵⁶

D.6.1.1.4. Alienation as Utmost Product of Globalization

By now it is clear that Palahniuk was not alone in his anger against the greater system of which he was a working part. Granted, Palahniuk had some justification in his anger as he explains his average work day prior to publishing FIGHT CLUB:

¹⁶⁵² FINCHER, *supra* note 1633, commentary track of novelist Chuck Palaniuk at mins. 00:00:51 – 00:02:00.

¹⁶⁵³ J.C. Oleson, *Is Tyler Durden Insane?*, 83 NORTH DAKOTA LAW REVIEW, 612 (2007).

¹⁶⁵⁴ Erik Hedegaard, *A Heartbreaking Life of Staggering Weirdness*, ROLLING STONE, iss. 977/978 (Jun. 30, 2005).

¹⁶⁵⁵ Two good examples of this experimentation are his short-term use of steroids and a bad LSD trip he experienced in his early 20s. See the story “Frontiers” of PALAHNIUK’S STRANGER THAN FICTION, *supra* note 1620, at 93-98. *See also* Hedegaard, *supra* note 1654.

¹⁶⁵⁶ Hedegaard, *supra* note 1654.

The reason I was there was my job. This meant lying on my back on a creeper with a two-hundred pound class-8 diesel truck driveline lying on my chest and running down between my legs as far as my feet. My job is I had to roll under trucks as they crept down an assembly line, and I installed these drivelines. Twenty-six drivelines every eight hours. Working fast as each truck moved along, pulling me into the huge blazing hot paint ovens just a few feet down the line.

My degree in journalism couldn't get me more than five dollars an hour. Other guys in the shop had the same degree, and we joked how liberal arts degrees should include welding skills so you'd at least pick up the extra two bucks an hour our shop paid grunts who could weld.¹⁶⁵⁷

But others, including the men and women that converted his FIGHT CLUB novel into a film, did not necessarily have the working-class angst to also feel the emotional gravity of anger against a status quo which has favored them so heavily. For instance, Edward Norton exuberantly promoted the film as an "end-of-the-century protest."¹⁶⁵⁸ Norton, unlike Palahniuk prior to release of the FIGHT CLUB book, has been afforded the best of American culture's circumstances with an Ivy League education, a lucrative career immersed with beautiful people, and an elevated status in his social environment. Acknowledging such circumstances, it can be difficult to understand what exactly Mr. Norton should be protesting. Fortunately, Palahniuk's text and Uhls's screenplay adaptation have illuminated a deeper, paradigm-based criticism that potentially justifies the anger of an entire age bracket. Here, the story's promoters are complaining of a history-based marginalization for those living as a middle generation facing the inherent impacts of an unrestrained consumer economy.

D.6.1.1.5. Unreality of Human Existence

Accordingly, the first nuisance expressed in the FIGHT CLUB story is the relative loss of all reality in contemporary consumer-driven existence (See **TABLE 29**). Philosophically, this awareness of the falsity of superficially-expressive emotive tokens has been identified even since Biblical times, but in terms of contemporary history, Walter Benjamin is well regarded for documenting the impact of commodity production intended for an individual emotional response on the scale of an urban form. In recognition of this growing delusory basis of status in the Arcades of Paris, he wrote:

¹⁶⁵⁷ PALAHNIUK'S STRANGER THAN FICTION, *supra* note 1620, at 196.

¹⁶⁵⁸ Dennis Lim, *'Fight Club' Fight Goes On*, NEW YORK TIMES, AR 18 (Nov. 8, 2009). David Fincher, the director of the film adaptation, is quoted as stating the following immediately after reading the novel: "I thought, Who is this Chuck Palahniuk and how has he been intercepting all my inner monologues?"

TABLE 29. Commodification of Human Experience

NOTATION	COMMODIFICATION OF HUMAN EXPERIENCE	PAGE
A	Death. "Funerals are all abstract ceremony. Here [at support groups], you have a real experience of death."	38
B	Living. "Home was a condominium on the fifteenth floor of a high-rise, a sort of filing cabinet for widows and young professionals."	41
C	Interior Surroundings/Interior Living. "The people I know who used to sit in the bathroom with pornography, now they sit in the bathroom with their IKEA furniture catalogue."	43
D	Personhood. "Then you're trapped in your lovely nest, and the things you used to own, now they own you."	44
E	Eating. "I know, I know, a house full of condiments, and no real food."	45
F	Family Unit. "My dad, he starts a new family in a new town about every six years. This isn't so much a family as it's like he sets up a franchise."	50
G	Sex. "After you've been to fight club, watching football on television is watching pornography when you could be having great sex." Also, "On the dresser, there's a dildo made of the same soft plastic as a million Barbie dolls, and for a moment, Tyler can picture millions of baby dolls and Barbie dolls and dildos injection-molded and coming off the same assembly line in Taiwan." Also, "You know, the condom is the glass slipper of our generation. You slip it on when you meet a stranger. You dance all night, then you throw it away. The condom, I mean. Not the stranger."	50, 61, 66
H	Humor. "Tyler tells me how Marla lives in room 8G, on the top floor of the Regent Hotel, up eight flights of stairs and down a noisy hallway with canned television laughter coming through the doors."	60
I	Labor. "It's not like I have a window at work. All the outside walls are floor-to-ceiling glass. Everything where I work is floor-to-ceiling glass. Everything is vertical blinds. Everything is industrial low-pile gray carpet spotted with little tombstone monuments where the PCs plug into the network. Everything is a maze of cubicles boxed in with fences of upholstered plywood. A vacuum cleaner hums somewhere."	138
J	Sacred. "What Marla loves, she says, is all the things that people love intensely and then dump an hour or a day after. The way a Christmas tree is the center of attention, then, after Christmas you see those dead Christmas trees with the tinsel still on them, dumped alongside the highway. ... The Animal Control place is the best place to go..."	67
K	Transportation, travel and co-traveler experience. "Cars that people loved and then dumped." Also, "The magic of travel. Tiny life. Tiny soaps. The tiny airline seats."	87, 156
L	Self. "The best kind of collagen, Marla said, is your own fat, sucked out of your thighs, processed and cleaned and injected back into your lips."	91

Where in the new does the boundary run between reality and appearance?¹⁶⁵⁹

Ironically, Palahniuk's characters first claim a loss of reality "in the new" as it concerns contemporary methods of honoring the dead. Ending the fourth chapter, through the voice of Marla Singer, he notes that support groups for the terminally ill are the only manner in which to know the "real experience of death" as funerals are simply "abstract ceremony."¹⁶⁶⁰ Pages later, Palahniuk describes the domicile of his unnamed protagonist (i.e. Jack) as "a filing cabinets for widows and young professionals," expressing this commodification of urban living, sealed in concrete with inoperable windows manifesting "seventeen hundred airtight feet" that "would smell like the last meal you cooked or your last trip to the bathroom."¹⁶⁶¹ Referencing the growing IKEA phenomenon, the protagonist is also self-critical of his own obsession with nesting via catalogues¹⁶⁶² and duvet shopping.¹⁶⁶³ Supplanting a natural desire for sex with a shopping fetish,¹⁶⁶⁴ Palahniuk is outlining how the ends of a consumer culture have effectively manipulated his own desires on an existential level: Jack labors to buy objects to complete his life, expressed in the furniture, clothing and automobile he owns.¹⁶⁶⁵ From cradle to grave, the appropriate container for human existence has been encapsulated in a series of easily marketable forms.

Reflecting on the cost, maintenance and societal path his possessions require in terms of his future lifestyle, the protagonist reflects that "the things you used to own, now they own you."¹⁶⁶⁶ This commodification of actual personhood has even greater relevance in contemporary times as online data mining has created a wholly new market for recording consumer habits and preferences, a technology that was in its infancy at the time the FIGHT CLUB story was developed. So as to maintain his at-home lifestyle, Jack must commit to only "single-serving" friends on an endless number of airline trips where life is served in a per person method with tiny soaps, tiny seats and ultimately a tiny inauthentic life.¹⁶⁶⁷

Continuing with Jack's personal rant against his own acceptance of a consumer livelihood, Palahniuk writes that his protagonist has "a house full of condiments" with "no real food."¹⁶⁶⁸ Again, this issue of the ethics of an industrial food supply has only grown in significance since

¹⁶⁵⁹ SUSAN BUCK-MORSS, *THE DIALECTICS OF SEEING: WALTER BENJAMIN AND THE ARCADES PROJECT*, 92(1989). Buck-Morss directly quotes Benjamin, taken from his Notes for the 1935 Expose.

¹⁶⁶⁰ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 38.

¹⁶⁶¹ *Id.* at 41.

¹⁶⁶² *Id.* at 43.

¹⁶⁶³ FINCHER, *supra* note 1633, at mins. 00:29:45 - 00:30:00.

¹⁶⁶⁴ *Id.* at mins. 00:05:40 - 00:05:45.

¹⁶⁶⁵ *Id.* at mins. 00:29:25 - 00:29:40. *See also* PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 87. Here, Palahniuk identifies a lot full of cars that were once owned and loved, then dumped with a passing fashion.

¹⁶⁶⁶ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 44.

¹⁶⁶⁷ *Id.* at 156.

¹⁶⁶⁸ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 45.

1999 as food homogenization has become an agricultural standard in mainstream commerce. Here, self-identity is much less based on actions or personal purpose but what is owned and maintained as a reflection of commercial success and status. Extending to the *literal* commodification of self, the book examines the practice of saving human fat from lipoplasty procedures and planning to reuse the material to enhance an unknowable self of the future.¹⁶⁶⁹

Perhaps most insidious to Jack is the rationalization of human relationships. As Jack's father left him after six years, the character views his father as a franchisee of family units.¹⁶⁷⁰ In his adulthood, the proliferation of pornography has caused Jack to lose authenticity in his own perspective of sexual experience.¹⁶⁷¹ Further, after decades of the television laugh-track, comedic experience has been regulated to that content found appropriate for commercial exploits, conditioning his reactions along with the other well-adapted members of normative society.¹⁶⁷²

Important to the FIGHT CLUB story is the application of monetary value to human life on a systemic level. The protagonist works in the generic 'Compliance and Liability' department of a major automobile company.¹⁶⁷³ In his workspace, a universal system of conditioned interior space mediates any contrast in his execution of work-product (*See Notation I, TABLE 29*). The same detached treatment the office environment employs for its users is executed against the victims of catastrophic defects in their products. A single formula of rationalization is applied regarding the impact of a product defect in regard to the company's profitability.¹⁶⁷⁴

As Jack undertakes his work in "Compliance and Liability," he realizes as he visits the scenes of victim expiration mistakenly caused by his company's products that in a practical, grander sense "this is your life, and it's ending one minute at a time."¹⁶⁷⁵ Here, acknowledging the systemic place of his life within the contemporary consumer society, Jack yearns to reconnect to a primal source of life and achieve a greater authenticity in the minutes he has left.

¹⁶⁶⁹ *Id.* at 91. In the book version of the FIGHT CLUB story, Marla Singer is saving the fat of her mother for a future use in her lips and cheeks, called "Marla's collagen trust fund."

¹⁶⁷⁰ *Id.* at 50.

¹⁶⁷¹ *Id.* at 50. *See also* V. VALE & ANDREA JUNO, MODERN PRIMITIVES, 5 (1989). The authors discuss the impact of pornography and mainstream media on the authenticity of an individual's sexual encounters, interjecting alien images and cues from outside programming.

¹⁶⁷² *Id.* at 60. A cinematic exploration of this phenomenon is demonstrated in the film *Natural Born Killers*, whereby Oliver Stone has applied a laugh track to a blatantly offensive sequence in the film. Here, in crowded theatres, movie watchers would find themselves laughing at inappropriate content due to the conditioned response of canned humor in mainstream television. *See* OLIVER STONE (Director), *NATURAL BORN KILLERS* (Warner Bros., 1994).

¹⁶⁷³ *Id.* at 137.

¹⁶⁷⁴ *Id.* at 30.

¹⁶⁷⁵ *Id.* at 29.

Important in the story's development, Jack realizes larger meta-consequences to his active participation in global commerce. Such consequences include the sacrifice of whales in order to create unique perfume scents,¹⁶⁷⁶ the accumulation of post-consumer waste found impractical for recycling,¹⁶⁷⁷ and the latent negative impact of an earlier generation's innovation on the subsequent generation's way of life.¹⁶⁷⁸ Here, even the cultural traditions handed down as sacred have become vacuous, throw-away artifacts of limited personal fulfillment.¹⁶⁷⁹

$$A * B * C = X^{1680}$$

If $X > R$, recall initiated.
If $X < R$, no recall initiated.

A = Population of cars in field
 B = probable rate of failure
 C = avg. cost of out-of-court settlement
 R = cost of recall

This newfound awareness heightens Palahniuk's character's alienation, propelling him to continually search for "real" experiences that are authentically reflective of his own thoughts and beliefs. As he finds it difficult to escape the paradox of experiencing authenticity in an inauthentic world, Jack struggles with how to realign (reterritorialize?) his own life and produce something worthy from it. In his own struggle, Jack suffers a series of side-effects from this nuisance of inherent cultural dissonance.

Beyond the simple alienation he feels (and at times fuels) from his co-workers, boss and contemporaries, Jack suffers constant insomnia.¹⁶⁸¹ Further, Jack has decreased sexual interest,¹⁶⁸² an increased desire for societal conformity,¹⁶⁸³ and a building recess of emotional discomfort.¹⁶⁸⁴ Due to his increasingly poor psychological health, Jack entertains suicidal thoughts¹⁶⁸⁵ and employs self-destructive¹⁶⁸⁶ practices so as to conjure – or perhaps invent - an

¹⁶⁷⁶ *Id.* at 83. New technology has created like synthetic substitutes for ambergris harvested from whale vomit in the past year. See Lee Dye, *Discovery Could Save Whales, Lead to Better Drugs*, ABC NEWS (Apr. 12, 2012) <http://abcnews.go.com/Technology/genetic-discovery-save-whales-lead-drugs/story?id=16120321#.T5_dvpMzJ8F>.

¹⁶⁷⁷ *Id.* at 109.

¹⁶⁷⁸ *Id.* at 124.

¹⁶⁷⁹ *Id.* at 67. Palahniuk writes: "What Marla loves, she says, is all the things people love intensely and then dump an hour or a day after."

¹⁶⁸⁰ Oleson, *supra* note 1653, at 581. Note 13, Oleson outlines how this formula closely replicates the formula used in determining the necessity of a recall for the Ford Pinto in 1972. Perhaps a sensitive subject for Palahniuk personally, as he drove the 1977 Mercury Bobcat for years after he graduated from college, finally selling it in 1989. The Bobcat is the Mercury version of the Ford Pinto, designed and built in nearly an identical manner.

¹⁶⁸¹ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 19.

¹⁶⁸² FINCHER, *supra* note 1633, at mins. 00:05:40 – 00:05:45.

¹⁶⁸³ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 186. Here, the author struggles with his feelings to find a surrogate father in the work world, and with that surrogate, be a fitting Christian, American male that has an upstanding career.

¹⁶⁸⁴ FINCHER, *supra* note 1633, at mins. 00:06:10 – 00:06:18.

¹⁶⁸⁵ FINCHER, *supra* note 1633, at mins. 00:21:30 – 00:21:50. One such suicidal dream leads Jack to meet Tyler in the cinematic version of the story. See also PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 204-208. In the final sequence of both the book and film, Jack is attempting to kill himself and/or Tyler who resides in his schizophrenic self. In the book, Jack eventually is hospitalized for his self-inflicted wounds and psychological ailments.

¹⁶⁸⁶ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 52. Jack and Tyler commit to self-destructive behavior after giving up on self-improvement, hoping to unfold greater self-discovery.

authentic alternative existence untainted by the dominance of the market.¹⁶⁸⁷ Jack endeavors to find a mindful, true incarnation of his self-identity with nonlethal violence.

D.6.1.1.6. Pain as Gateway to Authenticity

Prior to succumbing to nonlethal violence, in the FIGHT CLUB story Jack's doctor denies him sleeping pills to treat his chronic insomnia. Instead, the physician suggests Jack witness "real pain" at one of the many support groups in the area created to help the terminal ill.¹⁶⁸⁸ Palahniuk himself inadvertently sat in on support group activities for the terminal ill during a two year stint as a local charity hospice volunteer.¹⁶⁸⁹ After attending a series of programs, as *the* healthy escort for victims nearing death, Palahniuk writes that "my whole life felt like a miracle instead of a mistake."¹⁶⁹⁰ Here, Palahniuk identifies in his own life the support group tourist that is the foundation for Jack's self-destructive journey of personal discovery enabled by Fight Club.

Passive Pain. In both the movie and the film, Jack forms an addiction to support groups as attendance relieves him of his insomnia. Insomnia is a sleep disorder that is characterized by a chronic difficulty in staying asleep, usually caused by a collection of problems including life stress, emotional distress, physical discomfort, negative environmental factors, medications, and interferences in the normal sleep schedule.¹⁶⁹¹ Jack's lifestyle clearly fits the insomnia description as his life meets a number of the causes of sleep apnea. Jack regularly experiences loneliness, suffers personal stress as to his lack of personal authenticity in consumer culture, performs case reviews requiring frequent air travel that interferes with his sleep schedule after which he reports on disturbing death scenes caused by the products of his employer.

In becoming a tourist of the support groups, Jack successfully combats his insomnia on numerous fronts. First, as a participant, each support group's methods of quasi-religious¹⁶⁹² fulfillment relieve the personal stress and emotional discomfort bringing him real pain.¹⁶⁹³

¹⁶⁸⁷ VALE & JUNO, *supra* note 1671, at 5. "Increasingly, the necessity to prove to the self the authenticity of unique, thoroughly private sensation becomes a threshold more difficult to surmount. ... one thing remains fairly certain: pain is a uniquely personal experience; it remains loaded with tangible shock value."

¹⁶⁸⁸ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 19. See also FINCHER, *supra* note 1633, at mins. 00:06:10 – 00:06:18.

¹⁶⁸⁹ Hedegaard, *supra* note 1654.

¹⁶⁹⁰ PALAHNIUK'S STRANGER THAN FICTION, *supra* note 1620, at 197.

¹⁶⁹¹ Louis R. Chanin (Reviewer), *An Overview of Insomnia*, WEBMD (Mar. 3, 2010) <<http://www.webmd.com/sleep-disorders/guide/insomnia-symptoms-and-causes>>.

¹⁶⁹² Merlin B. Brinkerhoff, & Jeffery C. Jacob, *Mindfulness and Quasi-Religious Meaning Systems: An Empirical Exploration within the Context of Ecological Sustainability and Deep Ecology*, 38 JOURNAL FOR SCIENTIFIC STUDY OF RELIGION 4, 525 (Dec. 1999).

¹⁶⁹³ Chanin, *supra* note 1691. Directly combating one of the sources of insomnia, the support groups allow Jack to reduce the impact of issues causing him worry.

Second, in witnessing the multitude of near-death humans suffering from terminal illness, his own guilt regarding the death of the users of his company's products is rationalized.¹⁶⁹⁴ In other words, by seeing so many dying of brain diseases, AIDS, cancer, and blood parasites, Jack himself realizes that "on a long enough timeline, the survival rate for everyone drops to zero."¹⁶⁹⁵ Be it in a car accident, testicular cancer or AIDS, Jack realizes everyone is dying with each passing minute.

Third, by regularly attending support group meetings, Jack is creating a routine he can easily fall back into upon his return from the irregular travel schedule required of him by his employer.¹⁶⁹⁶ The highly defined structure of the support group meeting provides a 12-step program allowing him to relax and exercise his own inner demons to an audience that mindfully listens due to their belief that he too is terminally ill.¹⁶⁹⁷ Finally, Jack's constant exposure to individuals suffering *real* pain allows Jack to realize that his problems are insignificant in the larger scale of human existence.¹⁶⁹⁸ Channeling Palahniuk's own revelation regarding the miracle of being alive and functioning appropriately, Jack finds he is "the little warm center that the life of this world crowded around."¹⁶⁹⁹ In the company of authentic human existence, albeit via the overwhelming physical pain and emotional distress of terminal illness, Jack forms a dependence on this alternative reality from the real-world paradigm of consumerism, self-improvement and an ideal "completeness" as an American male. At the support groups where people's lives were falling apart, Jack finds inspiration to realign his own life in an authentic manner.

Active Pain via Violence to Self. Alongside the insomnia, Jack also finds himself to be schizophrenic, a detail which allows for a dramatic turn in the FIGHT CLUB story. Early symptoms of schizophrenia include a lost interest in work, outbursts of anger, anxiety, confusion, odd behavior, and a fear of something for no reason.¹⁷⁰⁰ These initial symptoms usually lead to greater concerns that Jack evidences in the film including suicidal thoughts, the addition of a smoking habit, and grander social concerns. Finally, at some point the identifiable schizophrenic symptoms of hallucinations occur and usually last in their most pronounced manner for approximately eight weeks.¹⁷⁰¹ Here, as Jack is initially unaware of his own condition, the protagonist of the FIGHT CLUB story embraces his hallucination as a cultural fountainhead and

¹⁶⁹⁴ *Id.* Seeing that everyone must die, his stress regarding the fact his company *causes death* is reduced.

¹⁶⁹⁵ FINCHER, *supra* note 1633, at mins. 00:20:20 – 00:20:25.

¹⁶⁹⁶ Chanin, *supra* note 1691. Following a routine is one of the suggested methods to find sleep after bouts of insomnia.

¹⁶⁹⁷ FINCHER, *supra* note 1633, at mins. 00:16:13 – 00:16:22.

¹⁶⁹⁸ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 22.

¹⁶⁹⁹ *Id.*

¹⁷⁰⁰ *Schizophrenia: What Happens*, WEBMD (Aug. 19, 2010) <<http://www.webmd.com/schizophrenia/tc/what-happens-schizophrenia>>.

¹⁷⁰¹ *Id.*

spiritual hero.¹⁷⁰² As Jack become increasingly unfulfilled in his current socially appropriate lifestyle, he becomes Tylerized¹⁷⁰³ and embraces self-destruction as a method of spiritual deliverance.

It used to be enough that when I came home angry and knowing my life wasn't toeing my five-year plan, I could clean my condominium or detail my car. Someday I'd be dead without a scar and there would be a really nice condo and car. ...

Maybe self-improvement wasn't the answer.
Tyler never knew his father.¹⁷⁰⁴
Maybe self destruction is the answer.¹⁷⁰⁵

Fitting for a burgeoning schizophrenic, Jack's first foray in active self-destructive behavior is to fight his personal hallucination (i.e. an imaginary friend) in the back parking lot of a bar.¹⁷⁰⁶ At the point that Jack realizes Tyler is a fiction of his own neurosis, Tyler's response is: "You weren't really fighting me. You said so yourself. You were fighting everything you hate in your life."¹⁷⁰⁷ This self-inflicted "resistance" leads to other real fights against real willing opponents. Over time, an organizational structure inures, thereby manifesting Fight Club as a support group of its own accord.

Reflecting Palahniuk's own experience after his fight on the Pacific Crest Trail, Jack's face becomes disfigured from the routine of bare-knuckle fighting. In the FIGHT CLUB story, Jack's face becomes permanently bruised with a torn hole in his cheek, continually bleeding from a multitude of lacerations.¹⁷⁰⁸ By the end of the FIGHT CLUB story, Jack has unintentionally torn out his other cheek to give him "a jagged smile from ear to ear. Yea, just like an angry Halloween pumpkin."¹⁷⁰⁹

In an effort to "avoid dying without scars," Jack and Tyler endeavor in other efforts of self-mutilation. Beyond those that involve fighting, the schizophrenic pair of personalities find a spiritually fulfilling practice in self-afflicted chemical burns. Recanting an ancient Hindu

¹⁷⁰² PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 46. As soon as Jack reaches out to his schizophrenic hallucination in an interpersonal manner, he is internally searching for a prophet-like delivery from his current lifestyle. Palahniuk writes: "Deliver me, Tyler, from being perfect and complete."

¹⁷⁰³ Oleson, *supra* note 1653, at 593. "Tylerized" is the term Oleson uses to describe the appeal of Durden to Jack in the FIGHT CLUB story, drawing a similarity in terminology to the adjective "radicalization" used to describe the change in those who commit to Islamic jihad against western society's infidels.

¹⁷⁰⁴ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 167.

¹⁷⁰⁵ *Id.* at 49.

¹⁷⁰⁶ *Id.* at 52.

¹⁷⁰⁷ *Id.* at 167.

¹⁷⁰⁸ *Id.* at 47.

¹⁷⁰⁹ *Id.* at 207.

legend,¹⁷¹⁰ Tyler applies lye to a saliva-wet spot on Jack's hand.¹⁷¹¹ As the chemical reaction between the lye and water literally burns the back of Jack's hand, Tyler advises Jack to "pay attention because this is the greatest moment of my life."¹⁷¹² Counseling Jack to focus and stay centered on the pain on his hand, Tyler is instructing Jack on a practice important in contemporary quasi-religious practice: mindfulness.¹⁷¹³

Mindfulness is "the energy to be here and to witness deeply everything that happens in the present moment, aware of what is going on within and without."¹⁷¹⁴ As the FIGHT CLUB story relies strictly on pain as a mode for authentic personal knowledge, this meditative state has as its only avenue for expression an elongated, searing pain that provides a new depth of experience. Here, the protagonist is reacting to the vacuous spiritual state left him by his consumerist paradigm with aberrant pain-based behavior, a behavior that is by its nature causing a more significant depth of self-mutilation.

Sex-Death Merger. Early in the FIGHT CLUB story, Palahniuk establishes a sex-death merger on various levels of human interactivity. Throughout his story, the writer delves into all those common sex-death episodes except the one he was most familiar, the connection of homosexual sex leading to HIV/AIDS he saw first hand for years in the early 1990's as a volunteer at the charity hospice. In the book, Palahniuk introduces the French term for orgasm, *la petite mort*, as having origins during French Revolutionary times whereby women awaiting execution would engage in intercourse to pass their time of anxiety.¹⁷¹⁵ In the FIGHT CLUB story, Durden begins a sexual relationship with Marla Singer simply as personal entertainment. This entertainment value could be read also as a manner to pass the time before his own self-destruction.

On the other had, the genesis of a sexual relationship with another, perhaps the *only* other person who is addicted to the authenticity of support group pain could in fact be the initiation of a collective *authentic* experience in sexual intimacy disconnected from commercial and pornographic influence. Here, as both members of the sexual relationship have origins of "real" non-consumerist experience, the two can attempt to have a "real" sexual relationship void of the taint of media-based bias and cooption. Regardless of Tyler's motivation to either pass time or

¹⁷¹⁰ *Id.* at 76.

¹⁷¹¹ *Id.* at 72-73.

¹⁷¹² *Id.* at 74.

¹⁷¹³ Brinkerhoff & Jacob, *supra* note 1692, at 527.

¹⁷¹⁴ *Id.* The article paraphrases the work of THICH NHAT HANH, LIVING BUDDHA, LIVING CHRIST (1995).

¹⁷¹⁵ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 20. After review, it is difficult to confirm this fabled beginning to the famous Franco characterization of sexual pleasure.

redefine his own sexual experiences as “real,” Marla effectively connects their sexual exploits in the sex-death merger by stating:

I want to have your abortion.¹⁷¹⁶

By regularly merging erotic potential with a diminishing of life expectancy, Palahniuk is reflecting a generational experience whereby death and sex are synonymous. In 1981, when Palahniuk was nineteen, abortion rates peaked with nearly 30 per 1,000 women between 15 and 44 enduring the operation that year.¹⁷¹⁷ In 1995, one year prior to the writing and publication of the *FIGHT CLUB* novel, Palahniuk was 33 and the rate of death from HIV/AIDS peaked when 51,500 Americans died from the disease in that year alone.¹⁷¹⁸ Unlike HIV/AIDS, the rate of abortions in the United States maintained a plateau of statistical significance until at least 1990,¹⁷¹⁹ when the number of abortions performed in the United States peaked at 1,608,620 in a single year.

By breaking his sexual abstinence with Marla, Palahniuk’s character is facing and attempting to overcome a legitimate fear of premature death. Further, as Tyler performs sadomasochistic maneuvers in his relationship with Marla, the authenticity attained in their pain-centric method of personal discovery carries over from the self-mutilation, consensual fighting and “touring” of terminally ill support groups.

Anthropocentric Identification with Waste. Immediately after they begin their sexual relationship, Marla and Tyler employ particularly unique pet names. Most telling of their collective world view is the name used repeatedly: human butt wipe.¹⁷²⁰ This playful characterization used by two primary characters of Palahniuk’s novel express a greater, scalar theme the author is attempting to make. Simply, that point is this:

You are the all-singing, all-dancing crap of the world.¹⁷²¹

¹⁷¹⁶ FINCHER, *supra* note 1633. On the DVD version of the film, a second disc of extras contains original versions of the film’s scenes that were later rejected by the producers of the film due to the substance of the scene. Marla’s original abortion line is featured under the “Missing” folder, titled as “Marla’s Pillow Talk.” The line that replaced the abortion line is “I haven’t been fucked like that since grade school.” It could be argued that this altered line dilutes the sex-death merger in the cinematic version of the *FIGHT CLUB* story. *See also* PALAHNIUK’S *FIGHT CLUB*, *supra* note 128, at 59.

¹⁷¹⁷ Robert Wm. Johnston, *United States Abortion Rates, 1960 – 2008* (Jan. 17, 2011)

<<http://www.johnstonsarchive.net/policy/abortion/graphusabrate.html>>.

¹⁷¹⁸ *Mortality Slide Series*, CENTER FOR DISEASE CONTROL (Mar. 30, 2012)

<<http://www.cdc.gov/hiv/topics/surveillance/resources/slides/mortality/slides/mortality.pdf>>.

¹⁷¹⁹ Johnston, *supra* note 1717.

¹⁷²⁰ PALAHNIUK’S *FIGHT CLUB*, *supra* note 128, at 64.

¹⁷²¹ FINCHER, *supra* note 1633, at mins. 01:24:40 – 01:24:44.

This personal identification with waste begins with the protagonist who on multiple occasions expresses his belief that his potentially complete, unscarred life is a wasted one.¹⁷²² Expanding out in reflection of his own generation, without any other measure of status beyond consumer attainment, Jack feels the entire historic period in which he lives has little worth.¹⁷²³ His existential fears grow to the point that he is afraid that if there is a God, there would be no need for such a metaphysical being to take notice.¹⁷²⁴ In other words, Jack believes he lives in the middle, a non-time of waste in the course of anthropomorphic existence.

Rather than continue to deny this self-defined paradox, Palahniuk pushes his characters to identify and confront their own likeness to post-consumer waste. First, Jack moves with Tyler into a “toxic waste part of town;”¹⁷²⁵ that is, into a house that has been downscaled in status over a century from opulence to slum house. At the fictional period of the film, the weathered home is depicted as a structure slated for demolition due to recent changes in the land use code.¹⁷²⁶ Second, Jack and Tyler begin to define their labor and realigned spirituality by their ability to, in essence, catalyze the bioremediation of the toxic waste left by the existing consumer society.¹⁷²⁷ The schizophrenic pair begin their endeavors by taking literal human medical waste in the form of liposuctioned fat and rendering it into high-end bath soap.¹⁷²⁸ Second, Tyler converts their rented toxic home into a living, “wet” monastery filled with 72 agents of counter-culture action.¹⁷²⁹ The conversion of the rented home includes a small-scale agricultural operation composed of gardens, a greenhouse and storage facilities.¹⁷³⁰ Finally, having witnessed the primitivist progress achieved within himself and via his rented home, Tyler endeavors to recalibrate society’s focus away from commercial ends and address the task at hand.¹⁷³¹ That task is the dramatic dismantling of civilization to enable a future opportunity for redemption.¹⁷³²

Instead of perpetuating the violence Jack sees as inherent in his allegiance to capitalist production, Palahniuk’s protagonist resists such conventions and responds with his own form of counter-culture violence to enfranchise men who share open bitterness in regard to the consumer-based metrics of status. Illuminating the hidden violence embedded their

¹⁷²² PALAHNIUK’S FIGHT CLUB, *supra* note 128, at 109, 146. On 109, Jack believes he is such a waste, he is not worth recycling.

¹⁷²³ *Id.* at 17. Palahniuk writes “everything you can ever accomplish will end up as trash.”

¹⁷²⁴ *Id.* at 141.

¹⁷²⁵ *Id.* at 64.

¹⁷²⁶ *Id.* at 57.

¹⁷²⁷ *Id.* at 69-70, 76, 150.

¹⁷²⁸ *Id.*

¹⁷²⁹ *Id.* at 127, 130, 133.

¹⁷³⁰ *Id.* at 130 - 133.

¹⁷³¹ *Id.* at 12-15, 203.

¹⁷³² *Id.* at 149.

understanding of consumer dominance, Jack and Tyler together balk at conforming to a system they had no part in creating. This illumination begins with Jack's journaling of the death of which he is an agent as an employee of his automobile-manufacturing corporation. Further insight is provided in Tyler's night-time work, as he becomes aware of the systemic ecological degradation and class-based partition caused by an unchecked system of capitalist consumerism. Finally, both Jack and Tyler vocalize the spiritual destitute they experience at the suckers at the bottom of a pyramid scheme that offers a misguided sales pitch of false fulfillment.

Rather than kill whales for perfume, discard pets after they have served their emotional purpose, or suffer an elongated cancerous death after long exposure to carcinogenic agents, Palahniuk advocates via his characters a self-defined, purposed self-destruction. By accelerating the inevitable erosive properties of life, a collection of individuals filled with anger can coordinate to employ nonlethal violence to undermine the very system of which they are unwilling participants. Here, Palahniuk is advocating for the legibility of violence in contrast to contemporary methods of concealing aggression behind a veil of civilization. With his novel, Palahniuk is building awareness and indoctrinating self-discovery for his characters in the last available gateway for authentic experience: pain.

D.6.1.1.7. Fight Club: Newfound Authenticity Breeds Liberation & Leadership

Having found an alternative method for self-discovery missed by other quasi-religious groups,¹⁷³³ Jack and Tyler work together to indoctrinate a systemic approach to consensual nonlethal violence. Adapting the Twelve Step method for their own purposes, Jack and Tyler initially write seven rules for their own sort of support group: Fight Club.¹⁷³⁴ After success of the Fight Club support group overwhelmed existing guidelines, two other rules are added so as to insure focus was maintained on the collective endeavor (*See* **TABLE 30**).

Palahniuk reveals several reasons as to why the Fight Club organization is conceptually successful for men to realize change in their lives. Having committed to a period of fighting in his own life, it could be assumed that these altercations formed the basis for his own study, performance and literary expression about a primal form of human interactivity. One such note made in his FIGHT CLUB text is that "Most guys are at fight club because of something they're too

¹⁷³³ Brinkerhoff & Jacob, *supra* note 1692, at 525. The authors outline a range of existing quasi-religious phenomenon, including astrology, occult, Twelve Step programs, environmentalism, and "various aspects of the New Age movement."

¹⁷³⁴ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 119. Palahniuk does not refer to FIGHT CLUB as a support group until he outlines the basis of Project Mayhem. Even so, the rules, participants and regularity of FIGHT CLUB circumstantially identifies it as the first of the support groups created for men to experience nonlethal violence in furtherance of self-discovery and spiritual treatment.

scared to fight. After a few fights, you're afraid a lot less." This aspect of facing your greatest fears is again discussed in the essay "Dear Mr. Levin," published in Palahniuk's *Stranger Than Fiction*.¹⁷³⁵ With "Dear Mr. Levin," Palahniuk outlines how with writing, an individual can experience the emotional gravity of a difficult task without living through its physical pain. Nonetheless, in the same manner Levin's stories flood the reader in an uncomfortable, yet entertaining scenario, Palahniuk's FIGHT CLUB narrative pulls his characters into a primal-anarchist mantra without pushing too far into an impossible realm of reality.

TABLE 30. Rules of Fight Club

NOTATION	RULE	PAGE
1	The first rule about fight club is you don't talk about fight club.	48
2	The second rule about fight club is you don't talk about fight club.	48
3	When someone says stop, or goes limp, even if he's just faking it, the fight is over.	49
4	Only two guys to a fight. One fight at a time.	49
5	Fight without shirt or shoes.	49
6	The fights go on as long as they have to.	49
7	If this is your first fight night at fight club, you have to fight.	50
8	Nobody should be at the center of fight club. Nobody's the center of fight club except the two men fighting.	142
9	Fight club will always be free. It will never cost to get in. We want you, not your money.	143

By employing this technique of "flooding,"¹⁷³⁶ Palahniuk utilizes his FIGHT CLUB mechanism to expose readers to many of their worst fears in an overwhelming manner, including pain, alternative meta-narratives, cancer, terrorism, and death. His narrative is an attempt to reason and encourage each reader to imagine "fighting everything you hate in your life."¹⁷³⁷ Perhaps the most frightful for a generation conditioned to consume and discard is the notion that they themselves, those within that generation, are the discarded materials of another generation's consumption. Palahniuk's argument that his contemporaries could in fact become a wasted generation performs that very function he cherishes in Ira Levin's literary catalog: to create a simple, memorable, modern fable.¹⁷³⁸

¹⁷³⁵ PALAHNIUK'S STRANGER THAN FICTION, *supra* note 1620, at 185-192.

¹⁷³⁶ *Id.* Palahniuk outlines his own grasp of therapeutic flooding, whereby "a patient is forced to endure an exaggerated scenario of his or her worst fear. To overload the emotions."

¹⁷³⁷ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 167.

¹⁷³⁸ PALAHNIUK'S STRANGER THAN FICTION, *supra* note 1620, at 190.

To the greater audience of the FIGHT CLUB story, the fable is not that each person should join underground fighting organizations so as to feel alive. Instead, his story is a warning that if the dominance of consumer culture continues unchecked, its logical conclusion will be at the hands of a band of anarchists who will sweep the rug out from underneath contemporary society.¹⁷³⁹ By Tyler's logic, if Westerners continue to discard the elements of their humanity and environment like waste, all that will be left is the self-described human butt wipe.

Foundation for a New Waste Society. Echoing the words of development critics of the past forty years,¹⁷⁴⁰ Palahniuk advances with Tyler's voice the possibility of identifying with the waste of the world so as to re-imagine the appropriate role for humanity. As the other schizophrenic half of Palahniuk's protagonist, Jack searches for an ample prescription to reset society's cultural paradigm by sequestering within a community of terminally ill whose members are literally wasting away. On this new path to self-discovery, Jack and Tyler invent strangely appropriate incremental methods of self-destruction as they guide followers to wasting away as Fight Club participants. The men Tyler and Jack attract to the formalizing Fight Club organization are not *per se* thugs¹⁷⁴¹ as one might assume, but rather, individuals unwilling to passively accept their historical place of oblivion without finding at least some element of authentic collective identity on the downward trajectory. At the intersection of spiritual, communal, and personal discovery, the characters of FIGHT CLUB are written to find joy¹⁷⁴² in the "redemptive value of community."¹⁷⁴³ Not unlike the grunge musical ethos of the 1990's, Tyler's leadership performs a dual function of endearment and purposeful disintegration:

*Runny nose and runny yolk
Even if you have a cold still
You can cough on me again
I still haven't had my fulfill
...
Broken heart and broken bones*

¹⁷³⁹ Although it is always difficult to imagine such revolutions from the standpoint of present circumstances, history since the 19th century offers plenty of examples of stranger occurrences. From 1850 until 1864, Hong Xiuquan led an outright civil war against the Qing Dynasty throughout southern China based simply on visions he was the younger brother of Jesus Christ. In more recent history, even National Socialism as it was promoted after World War I in Germany seems startling under contemporary interpretation in terms of its promotion of an Aryan master race, military success, and promotion of Hitler's unique (and horrific) interpretation of world order.

¹⁷⁴⁰ Oleson, *supra* note 1653, at 631. Oleson notes here that Palahniuk's shocking logic is actually a refrain of many popular writers on the future of ecologically balanced living. Oleson writes: "Pitt's utopia is nothing novel. Development critics have been arguing for something analogous for decades: Jacques Ellul wrote *The Technological Society* in 1964; Alvin Toffler published *Future Shock* in 1970; and Daniel Quinn published *Ishmael* in 1992. Since the 1990s John Zerzan has argued that modern (agricultural and industrial) society is inherently oppressive and discriminatory, and has advocated a shift to a harmonious way of life based on Paleolithic hunter-gatherers."

¹⁷⁴¹ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 54.

¹⁷⁴² FINCHER, *supra* note 1633, at mins. 01:08:05 – 01:09:00. Here, Uhls's script exemplifies the positive impact of the meetings, as the character Robert Paulson is literally giddy at sharing his "Fight Club" discovery as a treatment for his testicular cancer.

¹⁷⁴³ Hedegaard, *supra* note 1654.

*Think of how a castrated horse feels
One more quirky clichéd phrase
You're the one I wanna refill*¹⁷⁴⁴

As the fictional Fight Club movement grows, the story's protagonist must determine how to organize the resultant support groups on a multi-city, national scale. Building from the organizational structures he already knows, Palahniuk effectively redefines both corporate and the Twelve Step support group structures for his own draft of a fictional anti-consumerist grassroots organization. To start, Palahniuk appropriates the common Alcoholics Anonymous [hereafter "AA"] membership question "Are you friends of Bill W.?" with an adapted FIGHT CLUB iteration: "Do you know about Tyler Durden?"¹⁷⁴⁵

The FIGHT CLUB story mimics many of the AA subculture's methods of nonhierarchical, nonmonetary evangelization with clubs opening across the nation without even the founder's knowledge. Even the notion that the Fight Club organization is indoctrinated by two men *for men* replicates the AA's organizational history, as AA was formalized by William Wilson (Bill W.) and Dr. William Silkworth (Dr. Bob) and intended initially for male addicts.¹⁷⁴⁶ Reflecting the popularity of this bottom-up group-help movement, the distribution of the AA's founding text – the Big Book – has dramatically increased in numbers since the organization's founding in 1939. With the first print of the Big Book in 1939 there were approximately 30,000 copies in circulation.¹⁷⁴⁷ By 2009, there were over 30 *million* copies of the support group bible available to the friends of Bill W. From those support groups that Palahniuk himself attended, the FIGHT CLUB story has its organization genesis for a new waste-identifying society. Exploiting the popularity of the AA's methods for treating both addiction and terminal illness, Palahniuk wittingly employs this support group alternative as a fictional form of social cohesion, creating a believable scenario for his own American anarchist revival.

Hitting Bottom for Corporate Sponsorship. Although Palahniuk lifts many of the procedural mechanisms of the AA structure, substantively, the author takes a very different course regarding collective redemption. This potentially disturbing course is one that would give even Kafka joy as its meaning would offend most regular participants of AA's Twelve Step method (See **TABLE 31**). At the most philosophically disturbing portion of FIGHT CLUB, Tyler administers a chemical

¹⁷⁴⁴ NIRVANA, *I Hate Myself and Want to Die*, PENNYROYAL TEA (Geffen Records, 1993).

¹⁷⁴⁵ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 11. See also FINCHER, *supra* note 1633, at mins. 01:09:00 – 01:09:05.

¹⁷⁴⁶ THE BIG BOOK (ALCOHOLICS ANONYMOUS), 104 (2012). On the opening page of "Chapter 8: To Wives" a note explains that when AA was formed, there were few women in the organization and the book as written was originally written assuming "the alcoholic in the home is likely to be the husband."

¹⁷⁴⁷ *Id.* at preface.

burn to Jack so as to teach him mindfulness via pain. Here, at this “perfect moment” of Jack and Tyler’s life together, Tyler espouses the major philosophical differences his organization holds sacred over those that are promoted by most religious and quasi-religious organizations.¹⁷⁴⁸

The steps of AA openly advocate a belief in a higher power which is not necessarily Christian, but nonetheless, generally monotheistic. In steps 2, 3, 5, 6 and 7, the support group member must openly believe, submit, admit, and repent to God in order to effectively regain self control against the victimization associated with either substance abuse or termination illness. According to AA methods, only through this process of submitting to a metaphysical patron can the member restore their own sanity.

TABLE 31. The Twelve Steps of Alcoholics Anonymous

THE TWELVE STEPS OF ALCOHOLICS ANONYMOUS	
1	We admitted we were powerless over alcohol—that our lives had become unmanageable.
2	Came to believe that a Power greater than ourselves could restore us to sanity.
3	Made a decision to turn our will and our lives over to the care of God as we understood Him.
4	Made a searching and fearless moral inventory of ourselves.
5	Admitted to God, to ourselves, and to another human being the exact nature of our wrongs.
6	Were entirely ready to have God remove all these defects of character.
7	Humbly asked Him to remove our shortcomings.
8	Made a list of all persons we had harmed, and became willing to make amends to them all.
9	Made direct amends to such people wherever possible, except when to do so would injure them or others.
11	Continued to take personal inventory and when we were wrong promptly admitted it.
12	Having had a spiritual awakening as the result of these Steps, we tried to carry this message to alcoholics, and to practice these principles in all our affairs.

Tyler’s support group mechanism advocates an antonym to this AA basis of personal redemption. Here, only through a rejection of the father as *the* model for God can sanity be restored. In the book a loyal evangelist of Tyler’s dogma noted as the “mechanic”¹⁷⁴⁹ dictates the terms for finding sanity and illuminating a greater purpose in contemporary society:

¹⁷⁴⁸ PALAHNIUK’S FIGHT CLUB, *supra* note 128, at 76-78. See also FINCHER, *supra* note 1633, at mins. 01:01:50 – 01:04:23.

¹⁷⁴⁹ Telling here is that when Palahniuk wrote and published FIGHT CLUB, the author was still a diesel mechanic at the Freightliner assembly plant in Portland, Oregon.

What you have to understand, is your father was your model for God. If you're male and you're Christian and living in America, your father is your model for God. And if you never know your father, if your father bails out or dies or is never at home, what do you believe about God?

What you end up doing is you spend your life searching for a father and God. What you have to consider is the possibility that God doesn't like you. Could be, God hates us. This is not the worst thing that can happen.¹⁷⁵⁰

After this rehearsed speech by the mechanic, Jack himself continues to recant the logic of Tyler's philosophy of spiritual self-reliance.

How Tyler saw it was that getting God's attention for being bad was better than getting no attention at all. Maybe because God's hate is better than His indifference. If you could be either God's worst enemy or nothing, which would you choose? We are God's middle children, according to Tyler Durden, with no special place in history and no special attention. Unless we get God's attention, we have no hope of damnation or redemption. Which is worse, hell or nothing?¹⁷⁵¹

Putting a final point to this anti-metaphysical doctrine, Palahniuk writes that "the mechanic screams, 'You will not be saved.'"¹⁷⁵² Here, the act of becoming Tylerized is the willful abandonment of finding both a father and a savior. Rather, as a leader of the FIGHT CLUB story, a member must rely strictly on Tyler's philosophy of spiritual self-help. This is a major difference between the FIGHT CLUB philosophy and the AA basis of treating substance abuse. Here, as AA endeavors to reconnect members to some form of metaphysical belief so as to supplant their substance abuse with spiritual fulfillment, the FIGHT CLUB method advocates that members break connections to all spiritual canons which are not self-generated, an explicit *anti*-philosophy.¹⁷⁵³

Growing from the charge of evacuating consumer-based canned emotions tied to self-worth, family, eating, living, death and sex; the FIGHT CLUB philosophy is attempting a complete break from historically-based metaphysical narratives of civilization. As any given Fight Club member literally wastes away in self-destruction, the member as well discards those historical and pre-ordained metaphysical assumptions provided by civilization in an attempt to reach the utmost in personal authenticity, self-discovery, and unquestionable self-reliance. As frightening as it may

¹⁷⁵⁰ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 140-141.

¹⁷⁵¹ *Id.* at 141.

¹⁷⁵² *Id.* at 143.

¹⁷⁵³ DELEUZE & GUATTARI'S KAFKA, *supra* note 29, at 27. Giving credence to the necessity of retracting contemporary civilization back to its primal roots, Deleuze and Guattari write that this sort of anti-philosophy is just what is necessary to re-invigorate meaning in any philosophical discourse. They write at the end of the chapter titled *What is a Minor Literature?*: "Is there a hope for philosophy, which for a long time has been an official, referential genre? Let us profit from this moment in which antiphilosophy is trying to be a language of power."

both seem and appear to those invested in current methods of normative meaning, this shedding away of non-intrinsic artifacts impacting personal identity parallels the Deleuzian concept of cultural sobriety, whereby the minor protagonist:

will always take it farther, to a greater degree of intensity, but in the direction of a new sobriety, a new and unexpected modification, a pitiless rectification... He will feed himself on abstinence.¹⁷⁵⁴

Here, although AA may advocate *substance* sobriety, the Fight Club support group mechanism advocates *civilization* sobriety. As Tyler advises Jack early on his path to liberation, “Disaster is a natural part of my evolution ... because only through destroying myself can I discover the greater power of my spirit.”¹⁷⁵⁵

Hitting Bottom to Make Something Better Out of the World. The path of self-destruction is not only important for the Fight Club character’s spirit; this readiness to partake in nonlethal violence also allows for “corporate sponsorship.” Two methods are employed to take advantage of the unique pain acceptance zones developed by each Fight Club member. The first method is based in the member’s willingness to get in a fight and lose, and if necessary, lose very badly.¹⁷⁵⁶ The second method is to undertake an episode of self-destruction that incorrectly frames a proximate person in power for the damage self-inflicted by the member.¹⁷⁵⁷ Both methods are demonstrated in different situations in the book and in the film. In the film version, Tyler allows himself to be beaten badly by the owner of Lou’s Tavern; thereafter bleeding profusely all over the owner with the revelatory warning “*You don’t know where I’ve been, Lou!*”¹⁷⁵⁸ Minutes later in the film, Jack beats *himself* up to frame his boss at his automobile company.¹⁷⁵⁹ These dramatic devices of uncharacteristically inappropriate violence inspire such emotional distress in each manager,¹⁷⁶⁰ property owner¹⁷⁶¹ and union president¹⁷⁶² that these holders of local power willingly pay a ransom as required from the Fight Club member to be rid of the immediate threat.

¹⁷⁵⁴ DELEUZE & GUATTARI’S KAFKA, *supra* note 29, at 25 - 26.

¹⁷⁵⁵ PALAHNIUK’S FIGHT CLUB, *supra* note 128, at 110.

¹⁷⁵⁶ This sort of tactic to willfully accept physical violence in furtherance of a greater political goal was well demonstrated by Ghandi’s followers in South Africa. On March 29, 1930, civil rights marchers filed towards police guarding a salt mine in South Africa. Without facing resistance by the marchers, the police nonetheless beat and killed protestors simply for attempting to cross into the salt-mine to occupy it.

¹⁷⁵⁷ Not exactly in the same manner as that exhibited in the FIGHT CLUB story, Ghandi is again a noteworthy real-life example of a political protest leader who would do severe harm to himself in furtherance of the goals of his movement. This harm, unlike the immediate self-destruction of personal bludgeonry, was carried out with extensive hunger strikes against colonial and combative inter-interest factions that undermined India’s eventual sovereignty.

¹⁷⁵⁸ FINCHER, *supra* note 1633, at mins. 01:11:30 – 01:14:05.

¹⁷⁵⁹ *Id.* at mins. 01:16:05 – 01:18:40.

¹⁷⁶⁰ PALAHNIUK’S FIGHT CLUB, *supra* note 128, at 115 - 117.

¹⁷⁶¹ FINCHER, *supra* note 1633, at mins. 01:16:05 – 01:18:40.

¹⁷⁶² PALAHNIUK’S FIGHT CLUB, *supra* note 128, at 112 - 115.

With such methods of extortion, the members are liberated from and economically underwritten by the very commercial apparatus the protagonist wishes to destroy. With adequate resources of time and money, the members of Fight Club create a monastic order they call Project Mayhem. Organized, committed and “enlightened” after hitting bottom, the members of this order were focused on two things. The first was the internal goal “to teach each man in the project that he had the power to control history.”¹⁷⁶³ The second was directed at history itself, whereby members would undertake concerted action to find liberation from the mistakes of past generations all the while projecting a measure of deep ecological activism.¹⁷⁶⁴ In order to do so, the members of Project Mayhem all adhere to the same goal enunciated by their leader:

I wanted the whole world to hit bottom.¹⁷⁶⁵

TABLE 32. Rules of Project Mayhem

NOTATION	RULE	PAGE
1	No questions.	119
2	No questions.	122
3	No excuses.	122
4	No lies.	122
5	Trust Tyler.	125

TABLE 33. Committees of Project Mayhem

NOTATION	COMMITTEES	PAGE
A	Mischief Committee	119
B	Arson Committee	119
C	Assault Committee	119
D	Committee of Misinformation	119
E	Organized Chaos	119
F	Bureaucracy of Anarchy	119

In order to realize their goals, Project Mayhem redefined the existing dominant corporate structure to both efficiently carry out their efforts and so as to openly disrespect its place of dominance. On a territorial basis, potential members of Project Mayhem are graduates of a national network of Fight Club franchises who now follow a second tier of organizational rules

¹⁷⁶³ *Id.* at 122.

¹⁷⁶⁴ *Id.* at 125. Here, it reads: “It’s Project Mayhem that’s going to save the world. A cultural ice age. A prematurely induced dark age. Project Mayhem will force humanity to go dormant or into remission long enough for the Earth to recover.”

¹⁷⁶⁵ *Id.* at 123.

(See **TABLE 32**). At the corporate headquarters of Project Mayhem at the House on Paper Street, this quasi-monastic order has organized under a hierarchy of issue-oriented executive committees (See **TABLE 33**).

D.6.1.1.8. Permission to Depart

With its corporate structure, its multitude of franchises, and an army of quasi-monastic followers who ask no questions, make no excuses and simply trust Tyler, FIGHT CLUB presents an alternative mechanism of communal resettlement from the other cases presented in this paper. Unlike the other cases that feature populations either pushed out of their communities, or worse, populations who have been marginalized to the point of victimization, Tyler's role is to lead an express departure from the ill-fitting confines of a dominant culture, in other words, an exodus from the conditions of contemporary society. Referencing the Bible,¹⁷⁶⁶ exodus is defined by ten plagues and Moses' persuasive advocacy for 600,000 Hebrew followers of mixed ancestry:¹⁷⁶⁷

During the night Pharaoh summoned Moses and Aaron and said, "Leave my people at once, you and the Israelites with you! Go and worship the LORD as you said. Take your flocks, too, and your herds, as you demanded, and begone; and you will be doing me a favor."

The Egyptians likewise urged the people to hasten their departure from the land; they thought that otherwise they would all die. The people therefore took their dough before it was leavened, in their kneading bowls wrapped in their cloaks on their shoulders. The Israelites did as Moses had commanded: they asked the Egyptians for articles of silver and gold and for clothing. The LORD indeed had made the Egyptians so well-disposed toward the people that they let them have whatever they asked for. Thus did they despoil the Egyptians.¹⁷⁶⁸

Before this analysis moves forward, it is important to tease out the difference between exile and exodus. Here, the two terms are defined for contrasting comparison:

¹⁷⁶⁶ Palahniuk references the Bible and other Christian-based paradigms in his FIGHT CLUB text. Specifically, Palahniuk's Chapter 30 of FIGHT CLUB starts with the sentence "In my father's house there are many mansions." This statement references the New Testament gospel John 14:2 that reads:

In my Father's house there are many dwelling places. If there were not, would I have told you that I am going to prepare a place for you? ... "I am the way and the truth and the life. No one comes to the Father except through me."

Gospel is quoted from John 14, 2-6, THE CATHOLIC BIBLE: PERSONAL STUDY EDITION (1995). This section of the bible cited is titled as "Last Supper Discourses." Here, this verse confirms the intended status of Jack/Tyler as a fountainhead for an anarcho-spiritual movement described in the FIGHT CLUB story.

¹⁷⁶⁷ Exodus 12, 37-38, 40.

¹⁷⁶⁸ Exodus 12, 31-36. This section of the bible cited is titled as "Permission to Depart."

exile, *n.* **1.** a prolonged living away from one's country, community, etc., usually enforced; banishment, sometimes self-imposed **2.** a person in exile **3.** the span of time in exile¹⁷⁶⁹

exodus, *n.* a going out or forth, esp. in a large group **1.** the departure of the Israelites from Egypt (with *the*) **2.** the second book of the Pentateuch in the Bible, which describes this and gives the law of Moses.¹⁷⁷⁰

After water turned to blood, frogs, gnats, flies, livestock genocide, festering boils, storms of hail, locusts, “darkness,” and first-born genocide; the Egyptians were stricken with horror and eventually funded the relocation of this community that first served as a working (slave) class of the dominant Egyptian civilization. In essence, the Egyptians voluntarily despoiled themselves simply to be rid of the trouble brought upon by Moses and the Israelites. After liberation, Moses led the Israelites for forty years in the desert. Tyler and Jack propose something quite different.

D.6.1.1.9. Authenticity & Ecological Enfranchisement: Products of Project Mayhem

Unwavering in his disregard for metaphysical guidance, Tyler is intrinsically driven to reconnect each of his followers to the innate power they each hold even if he is truly an infectious waste of humanity. In order to this, Project Mayhem as an organization produces a variety of products including soap, space monkeys, human sacrifices, and castrated civil servants. Housing the mechanism to manufacture this grand scheme of global-scale culture jamming¹⁷⁷¹ is the House on Paper Street, the residence Tyler and Jack move into after they have destroyed Jack's condominium.

Soap (and Explosives). As the “yardstick of civilization,”¹⁷⁷² Tyler's obsession with soap is based on the substance's practical, symbolic and counter-cultural meaning. Practically, if the ultimate Project Mayhem goal is achieved, producing soap is an important post-apocalyptic skill. According to Tyler's logic, without soap, human or dog urine is the only other alternative for cleaning clothes.¹⁷⁷³ A second practical use for soap is that it affords the opportunity for mindfulness via painful self-mutilation. During production of soap, lye is combined with rendered fat as the cleaning agent of the substance. As demonstrated in FIGHT CLUB, when

¹⁷⁶⁹ WEBSTER'S NEW WORLD DICTIONARY, *supra* note 165, at 476.

¹⁷⁷⁰ *Id.* at 477.

¹⁷⁷¹ Culture jamming is an active form of resistance, usually satirical, to the dominant consumer culture. These acts are usually aimed at exposing previously illegible assumptions behind the commercial or consumer culture, typically in the redefinition of a corporate meme. See Oleston at 586-588. Throughout the FIGHT CLUB story, the scale of culture jamming begins simply with billboard repainting and grows to the destruction of specific office structures.

¹⁷⁷² FINCHER, *supra* note 1633, at mins. 00:23:15 – 00:23:28.

¹⁷⁷³ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 77.

exposed to water (or saliva), lye exhibits an exothermic chemical reaction that can cause extreme burns and injury. In terms of creating authentic experiences via pain, using lye necessary for soap production allows for a controlled experience for training each Project Mayhem member.¹⁷⁷⁴

Referencing an ancient Hindu legend that “soap and human sacrifice go hand in hand,”¹⁷⁷⁵ soap production directly links individual human pain with the unequivocal improvement of civilization. As it is believed that soap was first discovered when the fat of human and animal fat combined with wood ashes of pyre fires near freshwater springs, the accidental discovery of soap would not have been made without the severe pain and death of sacrificed humans. Building upon a central theme of Tyler’s anarchism, individuals must experience tremendous pain and personal destruction before they are able to rebuild a better version of themselves as hero in furtherance of attaining a heroic society.

Beyond the hero-sacrifice symbolism of soap, the substance also affords Tyler a teaching method for linking his followers to a pre-historical time period. As it is believed that soap could have been discovered as early as the 12 century B.C.,¹⁷⁷⁶ this represents a period well before recorded human history for Western civilization¹⁷⁷⁷ and is thereby a useful symbol in teaching that the end of Western history is possible. In fact, as it is the goal of Project Mayhem to teach each member that they have the power to control history,¹⁷⁷⁸ soap provides a valuable symbol as an artifact outdating the existence of the Western culture, thereby challenging them to undermine the contemporary Western dominance of historical knowledge.¹⁷⁷⁹

Finally, in terms of soap’s counter-cultural value to Project Mayhem, there are two aspects of soap production as Tyler practices that are unique. First, the production of soap allows Tyler to practice the craft of homemade explosives as the ingredients and process are similar. As Tyler continues to try a multitude of explosive-forming techniques, he is fashioning a grander “nouvelle cuisine of anarchy”¹⁷⁸⁰ for his larger, paradigm-rupturing acts of nonlethal violence.

¹⁷⁷⁴ *Id.* at 74.

¹⁷⁷⁵ *Id.* at 75. See also Frank Sanello, *Soap and How the World Cleaned Up Its Act: An Accidental Discovery*, YAHOO! VOICES (Mar. 17, 2012) <<http://voices.yahoo.com/soap-world-cleaned-its-act-11084918.html?cat=37>>.

¹⁷⁷⁶ Sanello, *supra* note 1775.

¹⁷⁷⁷ This statement is based on the assumption that Western civilization has as its origin in Greek antiquity. Greek history begins with Herodotus in 484 B.C. See Thomas Sakoulas, *History of Greece: Introduction, Ancient Greece History* (Jun. 2007) <<http://www.ancient-greece.org/history/intro.html>>.

¹⁷⁷⁸ PALAHNIUK’S FIGHT CLUB, *supra* note 128, at 122.

¹⁷⁷⁹ *Id.* at 70. Palahniuk writes that Jack must abandon money, property and knowledge, referencing the Western bias and dominance of contemporary knowledge. Throughout the book and film, Fight Club/Project Mayhem members are re-learning primal, pre-Western forms of knowledge including techniques of nonlethal violence, soap production, and reading the stars for navigation.

¹⁷⁸⁰ *Id.* at 186. See also FINCHER, *supra* note 1633, at mins. 01:01:30 – 01:01:45. Tyler explains how to create explosives, ending with the quip: “With enough soap we could blow up anything.”

The second counter-cultural value of soap production in the manner of Tyler's practice is based on the culture jamming theme of FIGHT CLUB. Here, rather than create soap from pork lard or another lipid source as most homemade soap is made, Tyler employs the use of human waste for his boutique-quality soap production. In Palahniuk's version of FIGHT CLUB, most of the soap created earlier in the book is harvested from his girlfriend Marla's mother. Not until the grander Project Mayhem do the story's agents source the lipoplasty reserves from medical waste facilities.¹⁷⁸¹ In the film version, Uhls circumvents Marla's mother and goes directly to the monumental source of human fat that is available from the thousands of lipoplasty procedures occurring each year.¹⁷⁸²

The connection to lipoplasty is a rich literary resource for the FIGHT CLUB story. As a census of all cosmetic United States procedures has been kept since 1997, for all but three years, lipoplasty has been the most popular surgical procedure.¹⁷⁸³ In 1997, there were 176,863 lipoplasty procedures.¹⁷⁸⁴ By 2011, that number has nearly doubled to 325,332 procedures.¹⁷⁸⁵ Based on an average volume of 1.58 gallons per lipoplasty procedure,¹⁷⁸⁶ in 2011, over 5 million pounds of Tyler's soap could have been produced for the open market. This translates into over 20 million bars of designer soap, a 1.4% share of the annual total United States bar soap market.¹⁷⁸⁷ Beyond the economic value of the soap that Tyler is generating to support his clandestine Project Mayhem, Tyler is also exploiting this opportunity to sell "rich women their own fat asses back to them"¹⁷⁸⁸ through his company created for such a purpose, the Paper Street Soap Company.¹⁷⁸⁹ Strangely, this illustration of human waste recycling could pencil out as profitable under real world conditions.

Space Monkeys. In the process of developing the franchise network of Fight Clubs across the United States, many club leaders find they are prepared to graduate into the quasi-monastic

¹⁷⁸¹ *Id.* at 150.

¹⁷⁸² FINCHER, *supra* note 1633, at mins. 01:00:15 – 01:01:12.

¹⁷⁸³ 1997 - 2011 *Statistics on Cosmetic Surgery*, AMERICAN SOCIETY FOR AESTHETIC PLASTIC SURGERY (2012) <<http://www.surgery.org/media/statistics>>.

¹⁷⁸⁴ 1997 *Statistics on Cosmetic Surgery*, AMERICAN SOCIETY FOR AESTHETIC PLASTIC SURGERY (1998) <<http://www.surgery.org/media/statistics>>.

¹⁷⁸⁵ 2011 *Statistics on Cosmetic Surgery*, AMERICAN SOCIETY FOR AESTHETIC PLASTIC SURGERY (2012) <<http://www.surgery.org/media/statistics>> 2012.

¹⁷⁸⁶ Youssef Saleh, et. al., *Safety and Benefits of Large-volume Liposuction: A Single Center Experience*, INTERNATIONAL ARCHIVES OF MEDICINE (Feb. 2, 2009).

¹⁷⁸⁷ This market share is based on 1998 sales of total bar soap. In 1998, \$1.4 billion worth of bar soap was sold, averaging one dollar per bar of soap sold. *See Soaps and Other Detergents, Except Specialty Cleaners*, THE GALE GROUP (2012) <<http://business.highbeam.com/industry-reports/chemicals/soap-other-detergents-except-specialty-cleaners>>.

¹⁷⁸⁸ FINCHER, *supra* note 1633, at mins. 01:04:25 – 01:04:40. The voiceover details that each bar of soap is sold for \$20 a bar, wholesale. If this logic were correct, the market value of Tyler's soap would approximate over \$400 million in 2011. The total amount spent to undergo liposuction procedures in 2011 was just over \$902 million. *See 2011 Statistics on Cosmetic Surgery*, *supra* note 1785.

¹⁷⁸⁹ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 87.

order of Project Mayhem.¹⁷⁹⁰ Each graduate who enters Project Mayhem is dignified as a space monkey and is devoted to two goals. The first goal is to develop in each member a personal confidence that they can change history. Second, each space monkey is committed to the breaking up of civilization so as to make something better of the world.¹⁷⁹¹ Every space monkey loses their name upon acceptance into Project Mayhem, and can only regain their name if they have died in the activities of the organization.¹⁷⁹² Here, each member follows a set of rules much like *Fight Club*, but the stakes are more intense as the commitment is deeper (See **TABLE 32**).

Palahniuk's use of the space monkey is a reference to the earliest space traveling animals that were sent into orbit to test the biological safety of leaving the earth's atmosphere. Specifically, the National Aeronautics and Space Administration [hereafter "NASA"] sent two female monkeys, Miss Baker and Able, into space two years before American humans reached orbit. Able died soon after the orbit due to complications with a post-flight surgery, but Baker lived another 25 years as a space hero at the U.S. Space and Rocket Center in Huntsville, Alabama.¹⁷⁹³

Likening their task to NASA's monkeys sent to space, Tyler explains their duties to Jack in this manner:

They know what to do. It's part of Project Mayhem. No one guy understands the whole plan, but each guy is trained to do one simple task perfectly.¹⁷⁹⁴

Later in the page, Palahniuk explains a method to the madness through Jack's experiences:

Teams of Project Mayhem guys render fat all day. ... I hug the walls, being a mouse trapped in the clockwork of silent men with the energy of trained monkeys, cooking and working and sleeping in teams. Pull a lever. Push a button. A team of space monkeys cooks meals all day, and all day, teams of space monkeys are eating out of the plastic bowls they brought with them.¹⁷⁹⁵

Here, Palahniuk has effectively turned the very basis of Modernism's worker specialization on its head, training each individual volunteer to commit to a system designed to undermine the greater system of commercial dominance. Working under the leadership of Tyler, the space

¹⁷⁹⁰ *Id.* at 135.

¹⁷⁹¹ *Id.* at 125, 208. This phrase in one manner or another is repeated throughout the second half of the book. As a closing to the *FIGHT CLUB* story, this idea is the final statement of the book, and in the film, is implied in the success of the Project Mayhem in destroying a multitude of buildings.

¹⁷⁹² *Id.* at 176-177.

¹⁷⁹³ Nell Greenfieldboyce, *After 50 Years, Space Monkeys Not Forgotten*, NATIONAL PUBLIC RADIO (May 28, 2009) <<http://www.npr.org/templates/story/story.php?storyId=104578202>>.

¹⁷⁹⁴ PALAHNIUK'S *FIGHT CLUB*, *supra* note 128, at 130.

¹⁷⁹⁵ *Id.* at 130.

monkeys concurrently produce soap for the Paper Street Soap Company¹⁷⁹⁶ while stockpiling homemade explosives for the “complete and right-away destruction of civilization.”¹⁷⁹⁷

Human Sacrifice and Other Culture Jamming. Fight Club members and space monkeys alike are responsible for completing homework assignments. Such homework assignments include previously described fights that are initiated and intentionally lost, the culture jamming projects, and a systemic spoilage of the food and products of the elite. In the film version of FIGHT CLUB, spoilage was brought about usually with the excrement of a Fight Club member in the food of civic leaders and commercial titans. In the book version, this spoilage extended further in detail to expensive perfumes, electronic components, and automatic bank teller machines. These daring projects are important to both build the nerve of each member of Tyler’s army¹⁷⁹⁸ and to increase each individual’s investment in the larger Project Mayhem.¹⁷⁹⁹

Perhaps the most important homework assignment for fight club members and space monkeys is called the “human sacrifice.” Each Fight Club agent must accost some variety of low-wage workers and using lethal duress, convince them to pursue a much higher status of personal occupation. After demanding at gunpoint they follow their dreams, the Fight Club member/space monkey then confiscates the worker’s driver’s license, warning the proletarian that if they do not change immediately, the Fight Club member/space monkey will be forced to kill them in six weeks. In essence, the human sacrifice is a method of motivating those in dead-end jobs to follow their life-long desires. For the “sacrificing” agent, this exercise increases the comfort each Tyler loyalist enjoys in wielding a gun to further Project Mayhem objectives.¹⁸⁰⁰

Castrated Civil Servants. Another “special” homework assignment emerged for the space monkeys due to the necessity of neutralizing other political forces betraying the goals of Project Mayhem.¹⁸⁰¹ This assignment is the literal emasculation of any civic leader or power-wielding individual that poses interference with the motives and continued operations of Fight Club and Project Mayhem. Organized by the Assault Committee (*See TABLE 33*), a freezer full of male testes has been collected by the time the final destructive act of the FIGHT CLUB story is executed.¹⁸⁰² Interesting here is that the space monkeys are “fixing” their leaders of normative

¹⁷⁹⁶ *Id.*

¹⁷⁹⁷ *Id.* at 125.

¹⁷⁹⁸ *Id.* at 177.

¹⁷⁹⁹ *Id.* at 167 and 177.

¹⁸⁰⁰ *Id.* at 151-155. *See also* FINCHER, *supra* note 1633, at mins. 01:21:20 – 01:21:30.

¹⁸⁰¹ *Id.* at 163-166.

¹⁸⁰² *Id.* at 169-170.

society much like their dogs, cats and other domesticated animals who are sexually neutralized, undermining their virility both physically and psychologically.¹⁸⁰³

House on Paper Street. For this study, the most important product of FIGHT CLUB is this terminus of the Project Mayhem exodus, the House on Paper Street. Palahniuk exudes a clear enthusiasm for the cinematic representation of the house he writes about in his text, a house based in reality on a friend of Palahniuk named Jeff.¹⁸⁰⁴ From its beginning as a wasted shell of a bygone bourgeois mansion, the House on Paper Street evolves with its inhabitants to provide an appropriate landscape to generate a fictional expression of anarcho-primitivist architecture.

D.6.1.1.10. Language of Anarcho-Primitivist Architecture

For thousands of years, human beings had screwed up and trashed and crapped on this planet, and now history expected me to clean up after everyone, I have to wash out and flatten my soup cans. And account for every drop of used motor oil.

And I have to foot the bill for nuclear waste and buried gasoline tanks and landfilled toxic sludge dumped a generation before I was born.¹⁸⁰⁵

This small citation from Palahniuk's FIGHT CLUB underlies his protagonist's active transformation from civilized, white-collar professional to nothing less than as an eco-terrorist. Based on this critique, Jack and Tyler advance a revolutionary course not to *replace* civilization with a new holistic system, but rather to set it back to zero. With an aim to topple, the protagonists of FIGHT CLUB are exhibiting an approach typified as anarcho-primitivism.

Citing prior generations of humanity knowingly destroying the environment and marginalizing those who resist such systemic degradation, anarcho-primitivists believe this myopic abuse of natural resources and those who hold *other* perspectives is inherent in large-scale civilization itself. As an antidote, believers in anarcho-primitivism propose a perpetually primitive or feral community be established, one that resembles the anthropocentric origins of mankind as a hunter-gather society.¹⁸⁰⁶ Reflecting this deep ecology thread in Palahniuk's FIGHT CLUB, to become "Tylerized" is to accept the premise that only in a world absent a meta-narrative of

¹⁸⁰³ *Id.* at 165. This point is brought across by the author in his clear note that the Seattle Police Commissioner's "dog is alright" even though the dog witnessed his owner's castration.

¹⁸⁰⁴ FINCHER, *supra* note 1633, at mins. 00:46:55 – 00:47:15. Palahniuk comments about this original house which is represented as the House on Paper Street, is based on his friend's former domicile on the commentary track.

¹⁸⁰⁵ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 124.

¹⁸⁰⁶ Oleson, *supra* note 1653, at 632. See also *What is Anarcho-Primitivism: II. Aims*, THE ANARCHIST LIBRARY (2005) <http://theanarchistlibrary.org/HTML/Anonymous__What_is_Anarcho-Primitivism_.html>.

civilization could there exist a balance between nature and humanity, a world where people value a biocentric scope of life because they play an active role in sustaining it.¹⁸⁰⁷

We were eating breakfast in the house on Paper Street, and Tyler said, picture yourself planning radishes and seed potatoes on the fifteenth green of a forgotten golf course.

You'll hunt elk through the damp canyon forests around the ruins of Rockefeller Center, and dig clams next to the skeleton of the Space Needle leaning at a forty-five-degree angle. We'll paint the skyscrapers with huge totem faces and goblin tikis, and every evening what's left of mankind will retreat to empty zoos and lock itself in cages as protection against bears and big cats and wolves that pace and watch us from outside the cage bars at night.

"Imagine," Tyler said, "stalking elk past department store windows and stinking racks of beautiful rotting dresses and tuxedos on hangers; you'll wear leather clothes that will last you the rest of your life, and you'll climb the wrist-thick kudzu vines that wrap the Sears Tower. Jack and the beanstalk, you'll climb up through the dripping forest and laying strips of venison to dry in the empty car pool lane of an abandoned superhighway stretching eight-lanes-wide and August-hot for a thousand miles."¹⁸⁰⁸

Here, prior to acting on this civilization "downsizing,"¹⁸⁰⁹ the Project Mayhem collective must practice and imagine themselves in the world they wish to realize. In order to do so, Tyler has drawn in his executive team at a self-selected headquarters in the "toxic waste part of town." Assembled at the House on Paper Street, the structure itself requires users to acknowledge the inherent pain, commitment and promise of liberation provided with Palahniuk's illustrative iteration of anarcho-primitivism.

D.6.1.2. House on Paper Street

Perhaps the most famous anarcho-primitivist who made his rejection of civilization a personal reality was the UNAMOBBER, Ted Kaczynski. After quickly excelling in academia and just as quickly taking a professional nosedive, Dr. Kaczynski decided it would be best to live in the remoteness of the American West. With the help of his brother, Kaczynski moved onto an isolated plot of land in the Montana forest. His home and micro-workshop lacked any electricity and plumbing, and consisted of a simple 13' by 13' one-room floor plan. From this shack, Kaczynski walked to his favorite wild spot that was one day replaced with logging road. This

¹⁸⁰⁷ Oleson, *supra* note 1653, at 632.

¹⁸⁰⁸ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 124 - 125.

¹⁸⁰⁹ *Id.* at 124.

event was the tipping point for the terrorist, inspiring him to mail-deliver sixteen homemade bombs, killing three and injuring 23 victims over the course of seventeen years.¹⁸¹⁰

TABLE 34. House on Paper Street UAF Inventory

		Land Area	Built Area
Overall		1.25 acres	0.11 acres
Urban-Arch Features		36,995 sq. ft.	4,958 sq. ft.
	FIG. #	SQ. FT.	SQ. FT.
Basement	284, 289-291	0	1,405
1st Floor - Dining Room	284, 289-291	354	354
1st Floor - Kitchen	284, 289-291	300	300
1st Floor - Reading Room	284, 289-291	399	399
1st Floor - Solarium	284, 289-291	269	269
2nd Floor - Master Bedroom	284, 289-291	0	378
2nd Floor - Spare Bedroom	284, 289-291	0	363
2nd Floor - W/C	284, 289-291	0	104
Exterior - Dump Site	284, 289-290	33,300	0
Exterior - Greenhouse	284, 289-290	1,320	1,320
Exterior - Garden Beds	284, 289-290	920	0
Exterior - Compost/Soil Bins	284, 289-290	133	67
House Totals			
Basement		0	1,405
First Floor		2,769	2,736
Second Floor		0	2,309
Exterior		35,673	1,387

In spite of the philosophical likeness, the House on Paper Street is nothing like Kaczynski's former cabin in Montana (See **TABLE 34**). The House on Paper Street, both in literary form and in a built reality on the FIGHT CLUB film set are located in the wasted industrial spaces of urban areas. The book was intended for Wilmington, Delaware,¹⁸¹¹ whereas the actual exterior set location was in a small community between Long Beach and Los Angeles, ironically incorporated as Wilmington, California. Just a few years after the film was produced, this

¹⁸¹⁰ *G-Men and Journalists*, NEWSEUM (Jun. 13, 2008) <<http://www.newseum.org/exhibits-and-theaters/temporary-exhibits/g-men-and-journalists/unabomber/>>. Kaczynski's shack was so small that it was easily stored intact in an FBI warehouse in Sacramento, California. In 2008, it was installed at the Newseum Interactive Museum in Washington, D.C., easily assembled within an indoor exhibition space.

¹⁸¹¹ FINCHER, *supra* note 1633, at mins. 01:20:45 – 00:21:00. On the feature commentary of Palahniuk and Uhls, they discuss the fictional location of the Fight Club as Wilmington, Delaware, due to its status as the headquarters' city of all the credit card companies of the United States. Wilmington, Delaware, is a major hub for Fortune 500 companies as it is the only metropolitan area of the state with the most corporate-friendly laws in the United States.

location that hosted the House on Paper Street exterior was literally absorbed by recent Port of Los Angeles expansions (See **FIGURES 279** and **282.**).

Unlike the typical “fog and mirrors” approach to producing a movie on a studio back lot,¹⁸¹² the filmmaker’s director intently sought this reality-based location to perfectly mimic the conditions outlined in the book. Like Palahniuk’s fictional description, the house was built among other houses on the edge of an industrial section of Los Angeles County, one that had just undergone a major land use change. In the novel, for blocks the buildings were sitting, rotting and awaiting demolition to make room for the expanding adjacent port, receiving resources and new products from manufacturers abroad.¹⁸¹³ Palahniuk describes the House on Paper Street, a residence based on his personal friend’s house and described through the voice of his protagonist:

All night, it was raining. The shingles on the roof blister, buckle, curl, and the rain comes through and collects on top of the ceiling plaster and drips down through the light fixtures.

When it’s raining, we have to pull the fuses. You don’t dare turn on the lights. The house that Tyler rents, it has three stories and a basement. We carry around candles. It has pantries and screened sleeping porches and stained-glass windows on the stairway landing. There are bay window seats in the parlor. The baseboard moldings are carved and varnished and eighteen inches high.

The rain trickles down through the house, and everything wooden swells and shrinks, and the nails in everything wooden, the floors and baseboards and window casings, the nails inch out and rust. Everywhere there are rusted nails to step on or snag your elbow on, and there’s only one bathroom for the seven bedrooms...

There’s no lock on the front door from when police or whoever kicked in the door. There’s nine layers of wallpaper swelling on the dining-room walls, flowers under stripes under flowers under birds under grasscloth.

Our only neighbors are a closed machine shop and across the street, a block-long warehouse. Inside the house, there’s a closet with seven-foot rollers for rolling up damask tablecloths so they never have to be creased. There’s a cedarlined, refrigerated fur closet. The tile in the bathroom is painted with little flowers nicer than most everybody’s wedding china...

This is the perfect house for dealing drugs because a bah-zillion trucks drive down Paper Street everyday, but at night, Tyler and I are alone for a half mile in every direction.¹⁸¹⁴

¹⁸¹² It should be noted that the interior shots of the film were shot on a studio grounds for optimal light control, sound and film conditions.

¹⁸¹³ PALAHNIUK’S FIGHT CLUB, *supra* note 128, at 124.

¹⁸¹⁴ *Id.* at 56-58.

Just a few years later, Palahniuk was able to visit the house as realized in cinematic reality, an event he chronicled in his nonfiction story “The Lip Enhancer”:

We’d met Brad [Pitt] this last summer, near Los Angeles, in San Pedro, on six acres of barren concrete with gang warfare, Crip and Blood territory staked out all around us. It was the set for a movie based on a book I’d written and could barely remember. Just before this, a neighborhood man had been tied to a bus stop bench here. The set crews found him, tied up, shot to death. The crew was building a rotting Victorian mansion for a million bucks.

It was one or two o’clock in the morning when Ina and I got there. At the production base camp, movie extras slept in dark lumps, curled up inside their cars. Waiting for their call. When we parked, a security guard explained how we’d have to walk unprotected for the last two blocks to the actual movie shooting location.

A pop, then another pop came from the dark neighborhood nearby.

Drive-by shootings, the guard told us. To get to the set, he said, we need to keep our heads down and run. Just run, he said. Now.

So we ran.¹⁸¹⁵

Surveyed as a whole, the House on Paper Street actually assumes a micro-urban persona made up of twelve elements of the built environment (See **TABLE 34**). These elements are largely based on the drawings, photographs and film stills harvested from the cinematic version of FIGHT CLUB. Important details that are explicit in the book are used to better define ambiguities left in the film’s manifestation of the House on Paper Street. At most, the House on Paper street holds 74 independent bodies, which include 72 space monkeys, one Jack/Tyler body, and Marla Singer.

D.6.1.2.1. Basement

Measuring at “sixty-five shoe lengths front to back and forty shoe lengths from side to side,”¹⁸¹⁶ the basement of the House on Paper Street serves primarily as living quarters for Project Mayhem’s space monkeys. The basement, once outfitted with triple-decker army surplus bunk beds, can uncomfortably hold 72 men.¹⁸¹⁷ Categorized as a “Population & Housing” resource, this basement is made up of 1,405 square feet and is utilized to resist the alienation caused by mainstream consumerism. In the belly of this rather large house, the subterranean floor is

¹⁸¹⁵ PALAHNIUK’S STRANGER THAN FICTION, *supra* note 1620, at 206-207.

¹⁸¹⁶ PALAHNIUK’S FIGHT CLUB, *supra* note 128, at 127.

¹⁸¹⁷ *Id.* at 127.

frequently flooded and has also served as a place for curing explosives, firearm practice, and for dreaming up Project Mayhem homework assignments (See **FIGURES 284, 289-291**).

D.6.1.2.2. 1st Floor - Dining Room

A relatively large room sitting adjacent to the front door of the house has been outfitted as a stud den for Project Mayhem, hosting the only television, remainder couches, a bleached American flag and minimal lighting. Categorized as a “Recreational” resource, the dining room is 354 square feet and used infrequently in FIGHT CLUB for “other” needs of the Project Mayhem collective (See **FIGURES 284, 289-291**).

D.6.1.2.3. 1st Floor – Kitchen

The massive kitchen of the House on Paper Street is a central and perhaps the most important aspect of the old Victorian home for the activities of Project Mayhem. Measuring at 300 square feet, the kitchen is categorized as an “Economic-Commercial” resource and hosts the necessary rendering process for both soap and demolitions. Ultimately, the kitchen is a pivotal architectural detail in the grander scheme of resistance, positioned adjacent to a solarium and exiting to the garden grounds (See **FIGURES 284, 289-291**).

D.6.1.2.4. 1st Floor - Reading Room

The reading room and former library of the House on Paper Street is a nerve center for the resistance planning of Project Mayhem. Measuring at 399 square feet, the reading room is categorized as an “Economic-Commercial” resource and hosts telephones, filing cabinets and greater mapping utilities for the major toppling event planned by the space monkeys. Located on the first floor, the reading room is far enough away from the kitchen and recreation room to provide the solitude necessary for what is typically considered office labor (See **FIGURES 284, 289-291**).

D.6.1.2.5. 1st Floor – Solarium

Just behind the kitchen, the solarium of the House on Paper Street is utilized as a storage area and small scale greenhouse for the plant necessities of the Paper Street Soap Company. Measuring at 269 square feet, the solarium is categorized as an “Agricultural” resource where kitchen and agricultural chemicals are stored. Also, a garden workbench used to propagate

unique plants for the backyard garden is provided, adding an eco-friendly nature to the soap, explosives and food produced on the condemned property. The solarium is a long, linear sun room that is located between the kitchen and the backyard, and according to footage of the film, is also used at times to store explosives after they have been assembled¹⁸¹⁸ (See **FIGURES 284, 289-291**).

D.6.1.2.6. 2nd Floor - Master Bedroom

On the second floor of the house, there are two bedrooms, a bathroom and hallways. The Master Bedroom measures at 378 square feet and is reserved for Tyler's bed, personal files, and for sexual activity with Marla Singer. Categorized as a "Population & Housing" resource, this rather large bedroom is used more for Tyler's activities than sleeping, activities which further Tyler's resistance movement against civilization (See **FIGURES 284, 289-291**).

D.6.1.2.7. 2nd Floor - Spare Bedroom

The other bedroom on the second floor is Jack's Spartan quarters, a place where Jack recovers from the self-destructive activities he undertakes as a leader of both Fight Club and Project Mayhem. The bedroom measures at 363 square feet and is utilized for Jack's few possessions and an existing bed. Categorized as a "Population & Housing" resource, though not particularly unique in furtherance of the anti-civilization ends of Project Mayhem, the spare bedroom of the house was important for transitioning Jack from his consumer-self to the "Tylerized" Jack. The spare bedroom allowed Jack's split personality a place to stay and physically co-habitat with his imagined personality, Tyler (See **FIGURES 284, 289-291**).

D.6.1.2.8. 2nd Floor - W/C

Typical of late 19th century and early 20th century residential homes, on the second floor there is only one bathroom in the house. Categorized as a "Utilities & Services" resource, this bathroom necessarily services up to 74 individuals that live in the house during the Project Mayhem's full-bore quasi-monastic operations. This bathroom is 104 square feet and as it is not particularly necessary for resistant measures staged by Project Mayhem it is simply an attribute of "site" needs (See **FIGURES 284, 289-291**).

¹⁸¹⁸ FINCHER, *supra* note 1633, at mins. 01:30:25 – 01:30:37. In the foreground of this shot, there is a row of large, homemade Molotov cocktails made from recycled 40 ounce beer bottles.

D.6.1.2.9. Exterior - Dump Site

Outside the house's structure, the surrounding large residential lot is littered with trash, hazards and the blight typical of the fringe neighborhood it is located. In congruence with Tyler and Jack's personal identification literally with waste, the exterior dump site acts both as a reifying home for the practical application of their beliefs as well as a prolific source site for recycled molds, empty bottles, artifacts for reflection, and recreational opportunities. Encompassing an area of 33,300 square feet (0.76 acres), this disused open space is categorized as a "Hazards & Hazardous Materials" urban resource, one that has been redefined for the purposes of Project Mayhem in undermining civilization (*See FIGURES 284, 289-290*).

D.6.1.2.10. Exterior - Greenhouse

Consisting of the most advanced architectural feature *built* on the residential lot by the members of Project Mayhem, a 60' X 20' greenhouse sits just behind the house. Oriented on an east-west axis, the greenhouse is on the southern edge of the property and provides 1,320 square feet of controlled horticulture space. Along with the garden beds, the greenhouse is almost exclusively used to enhance the fragrance and quality of the suds produced by the Paper Street Soap Company.¹⁸¹⁹ Categorized as an "Agricultural" urban resource, the greenhouse is a major redefining character of the House on Paper Street, empowering the Project Mayhem team to both reconnect to their own work product and produce more soap in resistance against consumerism (*See FIGURES 284, 289-290*).

D.6.1.2.11. Exterior - Garden Beds

Running parallel to the greenhouse on the south edge of the residential lot, a series of garden beds are installed so as to grow many of the special plant materials necessary for the high quality niche soap produced by Tyler's soap company. Palahniuk explains the garden beds in this manner:

...teams of space monkeys dig up the muddy lawn around the house and cut the dirt with Epsom salts to lower the acidity, and spade in loads of free steer manure from the stockyards and bags of hair clippings from barber shops to ward off moles and mice and boost the protein in the soil.

¹⁸¹⁹ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 131 - 135.

At any time of the night, space monkeys from some slaughter house come home with bags of blood meal to boost the iron in the soil and bone meal to boost the phosphorus.

Teams of space monkeys plant basil and thyme and lettuce and starts of witch hazel and eucalyptus and mock orange and mint in a kaleidoscope knot pattern. A rose window in every shade of green. And other teams go out at night and kill slugs and snails by candlelight. Another team of space monkeys picks only the most perfect leaves and juniper berries to boil for a natural dye. Comfrey because it's a natural disinfectant. Violet leaves because they cure headaches and sweet woodruff because it gives soap a cut-grass smell.

...other teams pick the petals from roses or anemones and lavender and pack the flowers into boxes with a cake of pure tallow that will absorb their scent for making soap with a flower smell.

...Marla and I walk through the garden at night with our bare feet, every step brushing up the smell of sage and lemon verbena and rose geranium. Black shirts and black pants hunch around us with candles, lifting plant leaves to kill a snail or slug. Marla asks, what's going on here?

Tufts of hair surface beside the dirt clogs. Hair and shit. Bone meal and blood meal. The plants are growing faster than the space monkeys can cut them back.¹⁸²⁰

Here, rather than use the prolific garden beds to feed the army of space monkeys that live at the House on Paper Street, this urban resource categorized as “Agricultural” is universally employed for soap production. Beyond simply growing the herbs, flowers and spices necessary for soap production, this garden is providing a service to the natural condition of the residential lot, a small mechanism of bioremediation as necessary to keep the plants growing. In all, there are 920 square feet of garden beds, an active measure of resistance against the waste and alienation endemic to unrestrained capitalism (See **FIGURES 284, 289-290**).

D.6.1.2.12. Exterior - Compost/Soil Bins

No good gardener is found without an amply filled compost bin. At the House on Paper Street, at the foot of the gardens there lies a series of compost and soil bins necessary for treatment, storage and redistribution of materials on the grounds. Categorized as an “Agricultural” resource, the bins create an area of 133 square feet for material storage. Here, these bins enable the greater micro-farm the space monkeys maintain to enhance the resistant products of the Paper Street Soap Company (See **FIGURES 284, 289-290**).

¹⁸²⁰ *Id.*

D.6.1.3. House on Paper Street as Urban-Architectural Form

Tyler's rented house on Paper Street is a living thing wet on the inside from so many people sweating and breathing. So many people are moving inside, the house moves.¹⁸²¹

Once fully developed, the House on Paper Street does much more than simply provide a dormitory-style residence for the members of this anarcho-primitivist band of Tyler loyalists. The house and its surrounding 1 ¼ acres are presented as a communal staging point for a revolutionary rejection of globalization. Encompassing a complete mixed-use urban function, this mansion houses an enormous number of individuals per square foot, provides the facilities for a twenty-four hour manufacturing enterprise, supplies the raw post-consumer resources for revolutionary activities, and supports a verdant anarchist-agricultural plot that necessitates teams of human labor for preparation and harvest. On the border between an established residential neighborhood and the growing port, this house both in fiction and cinematic reality (as a set) provides a small but clear urban form that contrasts with its surroundings. The late 19th century house survived as a final artifact of the neighborhood's prosperous history. Rather than conservation, the mansion is animated by six dozen disgruntled squatters executing the agricultural and processing levers of a small, lucrative locavore production facility. Unbeknownst to outsiders, beyond the soap this urban-architectural form churns out to fund the inhabitants' culture jamming activities, the campus is critical in exacerbating any possible fissure in disrupting commercial dominance. To do so, the house's residents are producing homemade explosives to topple a series of major skyscrapers all across the United States.

Although there are only two structures on the lot, the house, grounds and greenhouse are all employed together as a single, focused urban-architectural form enabling the efforts of Project Mayhem. From start to finish, the house provides the FIGHT CLUB story the necessary urban-architectural incubator for the resistant communal needs of the greater Project Mayhem enterprise. It is a place for exodus (Spare Bedroom), sexual exploration (Master Bedroom), housing an army of dissidents (Basement), as an agricultural plot (Garden Beds), for organization-level bureaucratic enterprise (Reading Room), burial¹⁸²² (Garden Beds), harvesting (Dump Site), waste disposal (Dump Site), manufacturing (Kitchen), dreaming, and spiritual mindfulness (Kitchen, Garden Beds). Although small, this discarded portion of the greater urban landscape provides a perfect oasis of physical anarchy for the characters of FIGHT CLUB.

¹⁸²¹ *Id.* at 133.

¹⁸²² Upon his death, Robert Paulson is buried in the gardens behind the House on Paper Street. *See* FINCHER, *supra* note 1633, at mins. 01:46:30 – 01:47:50, also at 02:00:55 – 02:01:07.

D.6.1.4. Collective Expression of the Built Environment

As the House on Paper Street provides a staging area for Project Mayhem, space monkeys work and train for a greater execution of civil deconstruction. Communally representing the unique brand of anarcho-primitivist ideology espoused by their leaders, the residents of the House on Paper Street represent the basic building block of a potential era of post-civilization. Purposefully creating small political bands just big enough to enable survival, the residents of the house are attempting to match in scale the hunter-gatherer societies of Native Americans as well as the other indigenous cultures that have survived since pre-history. Put another way, the members of Project Mayhem aspire to mimic the political methods enjoyed by those native cultures that have survived since their own origins without history as it is dignified in the Western world.

Anarcho-primitivism pushes the envelope by rejecting civilization entirely, and proposes in its place some sort of primitive or feral community, most popularly some sort of hunter-gatherer society.¹⁸²³

The House on Paper Street provides the setting for this feral community, a place where 73 men and one woman can meet on common ground to seek out their primal connection to life itself. As the house presents an opportunity for pain with every step, rain shower, or flick of the weather-exposed light switch, the residents are physically expressing their commitment to a reality of their collective imagination. Although Tyler may have led each resident to this structure, all the residents have lived willingly to employ, improve and enjoy the built environment for their unique communal enterprise.

As Tyler states as he invents Project Mayhem: “‘You justify anarchy,’ Tyler says. ‘You figure it out.’”¹⁸²⁴ Unlike Ted Kaczynski who referenced a group of followers called the Freedom Club,¹⁸²⁵ the “you” in Tyler’s statement is a collective you. Here, as his fictional followers are downright gleeful, this greater expression of societal downsizing is not just Tyler’s selfishly singular expression of cultural difference. Here, this anarchist fable painted by Palahniuk and recounted in cinematic form as an “end-of-the-century” protest is based upon a collective expression that exists now in cultural reality. At the heart of Palahniuk’s personal experience, in his story, in the story produced by Fox Studios, the House on Paper Street is universally critical. Without the

¹⁸²³ Oleson, *supra* note 1653, at 632.

¹⁸²⁴ PALAHNIUK’S FIGHT CLUB, *supra* note 128, at 133.

¹⁸²⁵ Theodore Kaczynski, *Industrial Society and Its Future*, WASHINGTON POST (Sep. 22, 1995). The 35,000 word manifesto regularly refers to himself as the “FC” standing for the “Freedom Club.” Coincidental or intentional, it is noteworthy that Fight Club and Freedom Club are so close in composition and have the same “FC” initials.

physical reality that conceptually represents this collective of waste-identifying social inventors, FIGHT CLUB could not have an imaginative space to exist.

D.6.1.5. Singular Linguistic Form in Reterritorialization

Unique to the urban-architectural form is its emphasis on a ‘singularity’ in linguistic expression. This unique attribute is a functional one, as each urban-architectural form is executed in furtherance of specific goals by a clear communal actor in reaction to a perceived nuisance suffered by that actor. A singular linguistic form is thereby a product of the selected path to counteract such a nuisance, either by reverting to a pre-development condition (vernacular), to develop alternatively under contemporary rationality (vehicular), to redevelop in such a way that references culture or the senses (referential), or finally, to redevelop so as to attempt a link between the place and communal spirituality (mythic).

In spite of the common references to the spiritual depravity of those in need of the Fight Club support group, the eventual political movement advocated by Tyler is not a mythic one. Instead, as Tyler and Jack reject the notion that God necessarily loves them simply due to their humanity (“I am the toxic waste by-product of God’s creation.”¹⁸²⁶), this fountainhead of primal authenticity advocates for a “downsizing” movement of civilization, a purposeful rationing of politic scale to humanity’s anthropocentric origins. By crippling the mechanism of global commercial enterprise, Project Mayhem endeavors to bioremediate the planet by forcing a method of intentional *fallowing*. In other words, by thwarting the efforts of human industrialization, that terrain wasted by human enterprise will be left to return to the wild and eventually find a natural course of biocentric redefinition. This grand political movement reflects a vernacular intention in the relationship of the community to the built environment.

Much like the IVRPD’s reaction against the local over-vehicularization of Isla Vista, Project Mayhem is a reaction expressed in the built environment against the overt dominance of the natural world, a world that humanity was once an active and connected part. As philosophers now note the “end of nature”¹⁸²⁷ has come to pass, the culture of globalization is recognized intrinsically as an unintended force of nature, a new reality whereby “nature is complete

¹⁸²⁶ PALAHNIUK’S FIGHT CLUB, *supra* note 128, at 169.

¹⁸²⁷ Louise Economides, *Blake, Heidegger, Buddhism and Deep Ecology: A Fourfold Perspective on Humanity’s Relationship to Nature*, 3, ROMANTIC CIRCLES PRAXIS SERIES, 3 (Feb. 2007).

subsumed by the category of human.”¹⁸²⁸ In terms of the deep ecology ethics of FIGHT CLUB’s protagonist, this contemporary realization is unacceptable.

Beneath the overarching vernacular theme of Project Mayhem, there are two sides to the linguistic intentions of the members’ activities as it concerns the built environment. First, there is the redefinition and destruction of that monumental architecture representing the global age, what most architectural historians would identify as buildings of the International Style. For those buildings intended for a superficial linguistic redefinition, Tyler explains the following method of subversive recharacterization:

We’ll paint the skyscrapers with huge totem faces and goblin tikis...¹⁸²⁹

As for the buildings selected for literal toppling, the Project Mayhem crew has undertaken a major armament program to assemble, install, and detonate the explosives necessary to reconfigure history in their favor. Not stopping with the Modernist buildings typical of major urban areas, the ends of Project Mayhem stretch to the very cultural foundation on which all contemporary civilization relies. Palahniuk reveals this intention to reset civilization with the following text:

The five-picture time-lapse series. Here, the building’s standing. Second picture, the building will be at an eighty-degree angle. Then a seventy-degree angle. The building’s at a forty-five-degree angle in the fourth picture when the skeleton starts to give and the tower gets a slight arch to it. The last shot, the tower, all one hundred and ninety-one floors, will slam down on the national museum which is Tyler’s real target.¹⁸³⁰

As for the true creative endeavor of reconfiguring a fitting built environment for the anarcho-primitivist activist community, the members of Project Mayhem reconfigure the House on Paper Street appropriate to their ends. Beyond a simple ‘deconstruction’ site for the space monkey’s anarchist revolution, the inhabitants of the house are undergoing a holistic training program in the pragmatics of urban primitivism. Throughout the book and film, the Project Mayhem volunteers *learn together* the appropriate manner to live in an a-historic future. This process of learning is implied in Jack’s statement near the end of the Fight Club story that “one thing I’ll have to learn before the end of civilization is how to look at the stars and tell where I’m going.”¹⁸³¹

¹⁸²⁸ *Id.* at 4.

¹⁸²⁹ PALAHNIUK’S FIGHT CLUB, *supra* note 128, at 124.

¹⁸³⁰ *Id.* at 14.

¹⁸³¹ *Id.* at 148.

Beyond the activities of Project Mayhem, the House on Paper Street provides the practice grounds for finding mindfulness with pain, reorienting sex back to primal origins, the foraging and growing of one's necessary resources, the structure of a micro-scale political band (or tribe) of cohabitants, and the recipes for soap and other defenses against civilization. Beyond these direct survival objectives of the Project Mayhem, the house itself is a structure that teaches its inhabitants how to accept and culturally adapt to both climatic conditions, as well as to accept the inevitability of time's erosive impact on the artifacts of human civilization.

The most significant built expressions realized by the space monkeys are all located in the backyard of this 19th century mansion. The greenhouse and garden plots symbolize the future the space monkey's wish to manifest: a well tended natural micro-habitat, landscaped with care and fertile to the point of supplying just what is necessary for the politically-local band of inhabitants. Although not recreating any single form of pre-history culture, Project Mayhem has conceived of a vernacular form that can be easily realized from the regional waste (lipoplasty remains, blood meal, bone meal, hair) and circumstances (open, neglected and blighted land plots awaiting a zoning change for improved utilization). Here, this is an attempt at a place-based fruitful reconfiguration of the wasted landscape typical of post-industrial society.

Anarcho-primitivism seeks a return to a wild life free from the culture that seems to be doing its best to destroy the planet, a life that humanity successfully realizes for nearly all of our time on this planet. What this entails in the modern context is a small scale society that is independent from the global industrial economy, but said society would also not be restricted by the modern constraints of property and imaginary borders. It would be self-sufficient, subsisting successfully on the local land as well as any scraps which civilization (or what is left of it) provides.¹⁸³²

Although the House on Paper Street is not completely self-sufficient, in most respects, this mixed-use employment of a single residence has reterritorialized the blighted property in a vernacular language of anarcho-primitivism. The house, in that it performs as the demonstration headquarters of Project Mayhem's intentions, provides a gateway training camp for a new revolution and a radical approach to deep ecology intent on forcing civilization back to its aboriginal origins.

D.6.2. Remedy with the Minor Expression

In a general sense, Palahniuk admits he wrote FIGHT CLUB out of anger. Although the writer had attempted on multiple occasions to break into the market, he has characterized his FIGHT

¹⁸³² *What is Anarcho-Primitivism*, *supra* note 1806.

CLUB manuscript as a final “kiss-off” to the publishing world. At this time, Palahniuk was a liberal arts graduate working primarily on a diesel engine assembly line, a man who felt his life was a mistake and was instigating fights with others on a regular basis. Beyond his open anger towards his work duties and the realities of the publishing industry, Palahniuk had other issues that could have caused him further emotional turmoil. The author was a closeted gay man that witnessed first-hand peaks in divorce, cancer deaths, abortions, and the number of HIV/AIDS victims. Both in the fact his writing craft was underpaid and that he felt a purposeful distance from the reality of his political system, based on his fictional work, he searched for a particular authenticity in his life that was masked both by his chronic insomnia as well as the consumer culture in which he lived.

FIGHT CLUB is written in a unique historic pocket of unrestrained globalization. After the Berlin Wall fell in November of 1989 and until the September 11, 2001 attacks on the World Trade Center, the dream of unmitigated liberalism¹⁸³³ in world governance appeared to be a foregone conclusion. The ideal of American democracy was a major cultural export, one that at its core seemingly did not satisfy Palahniuk as he wrote his popular FIGHT CLUB novel during this time. As an individual that was angered rather than fulfilled by the consumer culture in which he lived, Palahniuk expresses in his characters a clear emotional and spiritual marginalization. So as to resist and counteract the depravity he personally experienced, he writes what could be considered a fable, affording himself a venue to tease out, understand, and prepare for the possibility of a post-consumer worldview.

D.6.2.1. Employment of Rhizomatic Process of Urban Development

Referring back to Ayn Rand’s THE FOUNTAINHEAD, Palahniuk’s FIGHT CLUB story concerns a single, unnamed protagonist who must encourage his own ideological difference so as to self-define his existence. In order to do so, this protagonist must maintain his personal integrity against a perceived falsity perpetuated by the society in which he lives. Here, as Howard Roark was intently concerned with the design authenticity of his modernist projects, Jack is as well inherently concerned with authenticity. Here, rather than architectural product, Jack is most concerned with the generational and ecological truth of the dominant political system of which he is a member. So as to insure that his politics match the system of which he is a contributor, he decides he must strip down all impacting meta-politics to a basic primal core so as to experience a sobriety that can only exist absent the accumulative dogma of history that informs a greater

¹⁸³³ A major source of the problems the Unabomber wished to remedy has its source in the modern leftist society of the 20th century. See Kaczynski, *supra* note 1825.

multi-generational civilization. Luckily for the rest of us that enjoy civilization, the course to societal sobriety he has taken is exceedingly difficult, if not impossible. Unrelenting, in order to make gains on his objective to find personal authenticity, Jack finds his way on a rhizomatic course of self-discovery, destruction and societal paradigm-jamming.

D.6.2.1.1. Tactic 1: Self-Discovery

The first tactic Jack employs is the most obvious: Jack finds the nuisance he experiences is internally generated. By acknowledging his own pain, Jack liberates himself from the emotional stress he endures in his social setting. So as to instigate this release, Jack tours a series of support group meetings for the terminally ill. Here, after succumbing to a passive form of pain and self-identifying his existence with post-consumer waste, Jack finds balance in his newfound self-discovery of human value, one that is based largely in the act of lowering his personal expectations for life.¹⁸³⁴

Unfortunately for Jack, his addiction to passive pain is interrupted when another tourist, Marla Singer, interrupts his support group meeting addiction. Reacting to the emotional block she creates, Jack finds he has no male figure to confide in as to the alienation he experiences as a member of the existing global consumer culture. So as to solve this problem from within, Jack invents a counterpart of schizophrenic origins, Tyler Durden. By talking himself (via Tyler) into taking his own pain experience to another level, Jack begins to self-inflict *active* pain. Jack (and Tyler) begins this active pain by committing to a darkly comical self-hitting, then afterward with self-mutilation employing chemical burns, and finally in the active arrangement of bare-knuckle fighting support groups.

Employing pain as a gateway to a primal form of self-knowledge, Jack reimagines himself an every-man leader by creating, dictating and institutionalizing his Fight Club support group for others to replicate throughout the week. In his enterprise to truly know where “hitting bottom” exists, he subjects himself to brutal self-mutilation with his boss as audience. This act also allows Jack to extort a perpetual financial resource for his Fight Club organizations. While performing this theatrical extortion exercise, Jack refers to himself as a “monster” that “drags itself across the lovely bouquets and garlands of the Oriental carpet.”¹⁸³⁵ This monstrous episode is Jack’s bottom in the FIGHT CLUB novel.

¹⁸³⁴ Palahniuk describes his own refreshed perspective after acting as an escort for the terminally ill. See PALAHNIUK’S STRANGER THAN FICTION, *supra* note 1620, at 197. He writes: “my whole life felt like a miracle instead of a mistake.”

¹⁸³⁵ PALAHNIUK’S FIGHT CLUB, *supra* note 128, at 116.

Palahniuk himself employed these same tactics of passive and active pain in the course of becoming a published novelist. For years as a volunteer, Palahniuk escorted the terminally ill to support groups and for end-of-life experiences. To this day, Palahniuk admits to continuing as a volunteer in enterprises that ground him with exposure to portions of humanity that are both humbling and horrifying.¹⁸³⁶ Further, prior to writing *FIGHT CLUB*, Palahniuk started and participated in fights, one of which inspired him to write a short story on the subject. Further, as Palahniuk has regularly experimented with his own body (LSD use, steroid fuelled body-building, lip enhancers),¹⁸³⁷ he is openly resisting the self-preserving social norm of Western culture. Instead, the author is endeavoring to discover in himself a unique, personal identity of pain, reflection, and now lucrative writing.¹⁸³⁸

Throughout Palahniuk's fictional exercise of demonstrated self-discovery, Jack purposefully investigates fringe methods of personal knowledge that are beyond both history and what is appropriate in contemporary normative parameters. Pain, self-mutilation, extortion and consensual fighting are all personal actions that inherently subvert the bounds of appropriateness under contemporary norms. Here, Palahniuk's story outlines how these actions could be used to retrain an individual's cultural perspective for radical personal realignment.

D.6.2.1.2. Tactic 2: Project Mayhem

Once Jack builds an ample tolerance to the euphoria of fighting, actions beyond self-discovery are found necessary to enjoy the same primal rush experienced with *Fight Club* when the activity was new. Here, Jack and his new band of quasi-religious coverts turn their sights to the outside world, endeavoring to liberate both humanity and the natural world from the global hierarchy of consumption. Jack and Tyler redefine and recycle the very corporate structure they are working to destroy so as to efficiently franchise the *Fight Club* support group and develop Project Mayhem organizations throughout the United States. Beyond the homework assignments now typically performed by the space monkeys, Project Mayhem is developed so as to undertake larger, society-scale acts of cultural disturbance.

So as to organize these massive projects into an executable form, Project Mayhem is broken up into four committees of transgressive activity: Arson, Assault, Mischief and Misinformation. A

¹⁸³⁶ RU Sirius, *Fight Club: An Interview with Chuck Palahniuk*, GETTINGIT.COM (Oct. 4 1999) <<http://www.gettingit.com/article/186>>.

¹⁸³⁷ PALAHNIUK'S STRANGER THAN FICTION, *supra* note 1620. This book is literally filled with nonfiction accounts of the painful exercises the author has undertaken to both find himself and find new stories to write about.

¹⁸³⁸ Hedegaard, *supra* note 1654.

fifth, and perhaps the most commanding committee, is the Paper Street Soap Company. In production of soap, the space monkeys are able to learn and refine both their post-civilization skills as well as build up an armament of explosives for toppling civilization as they have experienced it.

In two different manners, Palahniuk himself has endeavored in activities that represent a collective resistance to consumer conformity. For years, Palahniuk was a participant in the Portland Cacophony Society, a group which staged massive pranks and stunts in major cities across the nation. This Society was the conceptual basis for Fight Club's Project Mayhem.¹⁸³⁹ Second, Palahniuk describes how as a member of Tom Spanbauer's writing workshop, the author was forced to read his working prose in public.¹⁸⁴⁰ Rather than present his work for attentive story-reading groups, he read these stories at bars and coffee shops where earnest, in-your-face feedback was a regular product. In such venues, Palahniuk explains that this test audience led him to write with more shock, physicality, darkness and humor so as to be heard over the football game, the espresso machine or drunks talking at high volume.¹⁸⁴¹ In reality or fiction, Palahniuk embraces the necessity of acting out in a public venue against the nuisances and sedation of the contemporary capitalist-driven form of civilization.

D.6.2.1.3. Tactic 3: Expression in Architecture

Less tested in the reality of his own life (or at least, of that sector of his own life that is recorded in a journalistic manner), Palahniuk writes about both the practical and symbolic nature of architectural expression in FIGHT CLUB. As a common thread in Jack's "Tylerization," the built environment plays a major role of marking the important steps of both self-discovery and paradigm-shifting collective action via Project Mayhem. Once Jack's addiction to the legitimate support groups is interrupted by Marla Singer, Jack rents the House on Paper Street so as to prepare himself for a major event of social disconnection. Then, once Jack is unconsciously prepared for his shift to the "toxic waste part of town," Jack loses all his clothing in the airline's security system and demolishes the condominium he owns. As his only alternative to his condominium, Jack moves into the House on Paper Street with an imaginary friend, Tyler.

After Jack and Tyler build their own Fight Club support group to such a robust level it can self-manage, the pair again participates in an architectural creation-destruction activity. First, Jack

¹⁸³⁹ Geoffrey Kleinman, *Chuck Palahniuk, Author of Fight Club* (Interview), DVD TALK (2007) <http://www.dvdtalk.com/interviews/chuck_palahniuk.html>.

¹⁸⁴⁰ Hedegaard, *supra* note 1654.

¹⁸⁴¹ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 215.

and Tyler retrofit the basement of the House on Paper Street as a quasi-monasterial dorm, filling it with recent graduates of Fight Club. Second, the first major project of the residents of this quasi-monasterial dorm is the defacement of a large office building in their downtown, dignified as the Hein Building in Palahniuk's text.

After the success of defacing the Hein Building, the residents of the House on Paper Street endeavor to literally erasing the records of the credit industry by destroying the buildings in which these records are housed. As the space monkeys prepare the explosives for their massive demolition project, they as well manufacture soap from the medical waste left from lipoplasty procedures. In creating this niche, luxury market soap, the Project Mayhem tribe builds gardens, a greenhouse and ancillary structures to maintain and harvest a wealth of soap-enhancing ingredients. This agricultural expression of the built environment is by far the most hopeful and by description beautiful of the expressions in architecture undertaken in FIGHT CLUB.

Finally, symbolizing the total attempted break from civilization, the residents of the House on Paper Street evacuate their mansion at the same time they prepare the demolitions necessary to topple the eleven selected commercial buildings necessary to reset civilization. Here, much like the artifacts that Marla Singer describes as being "loved and dumped," the House on Paper Street that enabled the "Tylerization" of so many men in Palahniuk's story is dumped as it is wasted to the core in an effort to springboard the objectives of the evacuated collective.

These three threads of activity illuminate a layered approach to undermining the culture of consumerism so as to advance an altogether indigenous approach to political organization. In the self-discovery phase of resistance, the characters of FIGHT CLUB practically test and undertake a wholly new "primal" form of human knowledge that aims to authenticate the anthropocentric origins of humanity as a subset of the natural order. As a second layer, the characters of the Fight Club story wish to evangelize (by force, if necessary) their newfound primal knowledge so as to liberate the world's population from the dominance of global commercial culture.

According to Tyler's logic, by forcing human civilization to downsize back to aboriginal political structures, the dramatically decreased capacity for resource exploitation can allow the ecological processes of the earth to catch up from the generations of human degradation. Further, by attacking vehicular strongholds of global commerce that include the condominium, the Hein building and the institutions of finance, the characters of FIGHT CLUB are able to establish a newfound political emphasis on a vernacular language of the built environment. As was

indirectly illustrated both in the book and film, the characters find beauty in the erosion/destruction of history's architectural artifacts at the same time they enjoy realizing micro-scale pre-historically based "needs" production (soap, armaments) and gardening.

Like a spider's web of resistance, the characters of FIGHT CLUB install a multitude of fissures to crumble the foundation of consumer-based power. Within the Fight Club support groups, a proletarian cause is created to co-opt the workers who:

do your laundry and cook your food and serve your dinner... make your bed...
guard you while you sleep... drive the ambulances... direct your call... process
your insurance claims and credit card charges...¹⁸⁴²

Having collected together all those that "control every part of your life,"¹⁸⁴³ the agents then attack from the top the institutions that profit from commercial dominance thereby providing a second entry point for rhizomatic expression. Finally, as a third rhizomatic category of expression, the characters of Fight Club undertake a public revocation of commercial culture by attacking the very built environment that protects such dominant power.

D.6.2.2. Undertaking the Characteristics of a Minor Architecture

As discussed earlier, this case is unique in that the 1 ¼ acre site that hosts the House on Paper Street originated as a place of exodus rather than exile for its inhabitants. In reality, the House on Paper Street is simply a film set created for the film production of an adaptation of a fictional novel. The set that was created for "a million dollars" to represent FIGHT CLUB was created in two pieces. The inside existed on a normal sound stage, completely controlled and mechanized for efficient film production. The outside existed adjacent to a bustling port, on the fringe of a crime-ridden portion of the largest city in the United States. Although exposed to the outdoor elements, the house's façade was perpetually managed for the best light, noise, weather and ambiance for the actors and crew. Both the inside and outside are pieces of a massive puzzle, dismembered for efficiency, but representative on film as a single whole. Although the House on Paper Street is now physically lost as a disassembled artifact of the FIGHT CLUB film set, its power as a cinematic expression of generational angst continues perpetually on film.

¹⁸⁴² *Id.* at 166.

¹⁸⁴³ *Id.*

D.6.2.2.1. Deterritorialization of the Major Design Language

To reiterate, using Kafka's literature as an example, Deleuze & Guattari outline how Kafka first employed the major language (German) in a physical space that itself was already deterritorialized. The second phase of Deleuzian emphasis regarding deterritorialization rests on the manner in which the practitioner literally *uses* the major language. As Deleuze and Guattari argue, Kafka used the written German language to subvert its very authority in the local culture. As a writer, Kafka stretched the language's structure and uses in such a manner so as to make it nearly unreadable, but nonetheless, ripe for minority invention and disenfranchised enunciation.

The House on Paper Street, unlike its inhabitants, has a single personality. It is old, large, overwhelmed by natural forces, and attracts fringe unlawful types due to its keen location and aesthetic projection of neglect.¹⁸⁴⁴ As a residence in the toxic waste part of town, the house itself is embedded in an urban milieu of deterritorialization. Further exasperating its legitimate status, the house is in conflict with changes in the local land use law,¹⁸⁴⁵ thereby it is slated for demolition in the very near future. Clearly, Jack and Tyler have taken up residence in a place whose political and urban meaning has been wholly evacuated.

Attracted to the house due to its "wasted" status, Jack and Tyler compliment the structure's course to destruction by embracing its neglected state. In fact, the protagonist accelerates the structure's degradation by filling it beyond capacity (74 residents) and employing its first floor as a manufacturing facility. Rather than fix the roof, amend the flooded conditions of the basement or replace the windows, the residents of the House on Paper Street appreciate the uncomfortable byproducts of such structural neglect. In essence, the pain, discomfort and fear (of electrocution, for instance) is imagined for the residents as a gateway to authenticity, a manner in which to discover the self and teach others how to cope with their own fears.

Although the house suffers extreme deterioration, the residents of the house do construct elements of the built environment in the rear yard of the house. In the film version of FIGHT CLUB it could be presumed the garden was planted to feed the space monkeys in some form of self-sustaining urban community. In review of the novel, this assumption would be incorrect. Instead, the garden plots, greenhouse and other materials have been created strictly to enhance the value of the product sold by the Paper Street Soap Company. What appears to be a typical

¹⁸⁴⁴ *Id.* at 57 - 58. Palahniuk writes the residence is "the perfect house for dealing drugs."

¹⁸⁴⁵ *Id.* at 57.

household garden in the backyard of a derelict late-19th century home is in fact the local source for critical ingredients in the production of a luxury-market soap manufactured from the extracted fat of lipoplasty patients.

The residents of the House on Paper Street have reconfigured their quasi-monastic home in such a manner as to make it nearly impossible to recognize the structure as anything other than an abandoned residence awaiting demolition. Here, although the residents have lived, worked and abused their built environment, it is largely unrecognizable as a dorm, a multi-use manufacturing facility, a monastery, or even as a squatter's den. The House on Paper Street is of an invented sort of live/work unit, one that was specifically suited to the destructive aims of Project Mayhem.

The writers of FIGHT CLUB have even extended the concept of deterritorialization to the very faces of their characters (See **FIGURE 303**). Inventing a redefined concept of facial recognition, the members of Fight Club employ the extensive damage done to their face as a manner in which to recognize fellow volunteers in the Fight Club/Project Mayhem endeavor. With bruised faces, broken teeth, cut ears and tongue, Fight Club characters create a “real” basis of community and camaraderie beyond the measures of status based on global consumer culture, one that relates back to primal knowledge of pain, tribe and destruction.

D.6.2.2.2. Connection of Individual to Political Immediately

FIGHT CLUB itself attempts to illustrate the connectivity of its characters to grander efforts of resistance. As was illustrated by Edward Norton's statements, the FIGHT CLUB story connects its invested audience to a grander generational rift that existed at the end of the century before the attacks of September 11, 2001. Palahniuk outlines this generational trend in writing:

This was the decade of “transgressive novels,” starting early with *American Psycho* and continuing with *Trainspotting* and *Fight Club*. These were novels about bad boys who'd try anything to feel alive.¹⁸⁴⁶

This series of transgressive novels-turned-movies illuminated a vacuous cultural paradox that seemed to overwhelm the psyche of Palahniuk's middle generation. As proclaimed by Palahniuk's character Tyler, those living as working adults at the height of globalization's zeal were victims of a blankness dropped upon them with “no purpose or place...no great war... no

¹⁸⁴⁶ PALAHNIUK'S STRANGER THAN FICTION, *supra* note 1620, at 213.

great depression.”¹⁸⁴⁷ Here, a general politics of resistance against the alienation caused by unmitigated capitalism is exhibited in the FIGHT CLUB story.

At the scale of the built environment, the necessary connection of the individual to politics is relatively clear. All that enter the House on Paper Street do so by invitation only, an invitation that is afforded only after acceptance of the policies created by Tyler. Tyler represents a fascist-hero-fountainhead that requires all that reside with him voluntarily abide by his self-destructive philosophy of liberation, personal responsibility and loyalty. “The fifth rule about Project Mayhem is you have to trust Tyler.”¹⁸⁴⁸

The very existence of the recanted rules belies the political redefinition each resident of the house is learning, or rather, being voluntarily trained. J.C. Oleson wrote in his article *Is Tyler Durden Insane?* that Fight Club is based on the rule of law where all men are equal before the law.¹⁸⁴⁹ Oleson points out that in the collective endeavor of illegal fighting and conspiracy to commit arson or assault, “the clothes you wear and the car you drive are meaningless.”¹⁸⁵⁰ This alternative tribal scale that has been established as the authoritative rule of law for the members of Project Mayhem, in and of itself, validates the connection of each individual to minor politics at issue for the collective block.

D.6.2.2.3. Collective Enunciation of Disenfranchised Community

In reaction to Jack and Tyler’s awareness that they are “the crap and the slaves of history,” the men together create Project Mayhem to enunciate a single goal above all else:

The goal was to teach each man in the project that he had the power to control history. We, each of us, can take control of the world.¹⁸⁵¹

The House on Paper Street is employed as the very mechanism to outline this prospect. As an illustration of a “think globally, act locally” campaign of anarchist downsizing, this long-forgotten 19th century mansion itself a discarded artifact of consumer status, affords the members of Project Mayhem both a training venue and stage to prove themselves. Even though the house itself is a fiction constructed for the film, the circumstances of Project Mayhem are not entirely unbelievable. For evidence that such activities are possible in an urban setting, reference again the proliferation of homemade bombs created and detonated by the WUO (See **TABLE 28**).

¹⁸⁴⁷ NICHOLAS ROMBES, NEW PUNK CINEMA, 83 – 84 (2005).

¹⁸⁴⁸ PALAHNIUK’S FIGHT CLUB, *supra* note 128, at 125.

¹⁸⁴⁹ Oleson, *supra* note 1653, at 584.

¹⁸⁵⁰ *Id.* at 585.

¹⁸⁵¹ PALAHNIUK’S FIGHT CLUB, *supra* note 128, at 122.

More importantly, *FIGHT CLUB* as a literary-cinematic story allows a massive group of artistic professionals who relate to these very same issues of cultural depravity in the current consumer culture to express their own feelings of angst. For instance, Brad Pitt's representation of Tyler literally employs a bullhorn in the film to carry across the ethos of waste status, empowerment and eventual redemption.¹⁸⁵² In spite of the actors, directors and writers' intractable investment in the dominant culture, this story which enunciates this unique perspective of disenfranchisement has the possibility of illustration. In other words, this team of artists can participate in the creation of this "horrible adventure by proxy."¹⁸⁵³

In spite of such intentions, ultimately the producers of this film and its architecture have not collectively experienced disenfranchisement. In fact, they have instead found a manner in which to fetishize the subversive so as to make money from the real loss, marginalization and pain of other underrepresented communities. Although *FIGHT CLUB* as finally realized in the film incorporates a stylized, transgressive image of a potentially disenfranchised community, in reality, *FIGHT CLUB* is simply another object of consumption furthering the aims of the dominant commercial culture.

D.6.3. A Home for the Marginalized Population

Deleuze and Guattari discuss in *KAFKA* that "an assemblage ... has two sides: it is a collective assemblage of enunciation; it is a machinic assemblage of desire."¹⁸⁵⁴ Most important to the marginalized producer is that the assemblage is an expression of the "home" for the minority community, constructed from "decoded fragments of all kinds."¹⁸⁵⁵ Unique to this case, the House on Paper Street is itself a home, a residence that has been redefined over the century of its existence to reflect both power and the perpetuated inequity that has become a symptom of unrestrained commercial consumerism.

¹⁸⁵² FINCHER, *supra* note 1633, at mins. 01:30:28 – 01:30:40. See also PALAHNIUK'S *STRANGER THAN FICTION*, *supra* note 1620, at 207. Palahniuk recalls the first time he met Brad Pitt on the House on Paper Street set. Upon meeting him, Pitt exclaims: "Thank you for the best fucking part of my whole fucking career!" I witnessed further evidence of the enthusiasm regarding making the *FIGHT CLUB* film as many of the set designers, assistants, and other creators were actually excited to assist my research due to their love of the film and its punk message. Many I talked to gave the sense that the *FIGHT CLUB* project was one of the great films of their careers.

¹⁸⁵³ PALAHNIUK'S *STRANGER THAN FICTION*, *supra* note 1620, at 187.

¹⁸⁵⁴ DELEUZE & GUATTARI'S *KAFKA*, *supra* note 29, at 81.

¹⁸⁵⁵ DELEUZE & GUATTARI'S *A THOUSAND PLATEAUS*, *supra* note 22, at 502.

D.6.3.1. Balancing the Tetravalent Condition of the Assemblage

As discussed in Deleuzian terms, the assemblage acts as specific micro-strata within the greater stratum, one that is expressing its own re-coding over the real historic, social and political landscape from within. The agents of Project Mayhem are they themselves advocating with action the reset of all historic, social and political orientation. In other words, their aim is to evaluate the contemporary form of civilization and supplant their own banded form of tribal sustenance. As a test plot for this “reset” objective, the 1 ½ acre residential lot rented by Jack and Tyler has been reterritorialized as a vernacular expression of urban-political resistance.

D.6.3.1.1. Content *and* Expression

The fictional House on Paper Street evidences this first dyad of the tetravalent condition. The house itself is a physical artifact that shelters the members, however painfully and inconveniently, in their struggle against the consumer culture that surrounds them. In the collective search for authenticity, each resident has contributed to the production of soap, the gardens, a greenhouse, cooking, cleaning and an attempted anarcho-primitivist order to contemporary living.

Much like the prior cases under study, the mere fact of architectural existence expresses the subversive intention of the community under study. After review of the first director’s edit of the film *Fight Club*, producers and a group of executives that included Rupert Murdoch were so disturbed they demanded immediate changes to the movie and were visibly squirming in their seats.¹⁸⁵⁶ In concert with Edward Norton’s belief this film’s value as an end-of-the-century protest by his generation, Brad Pitt conveys the expressive value of the film as a reflection of resistance against the dominant culture:

Man, I know all these things are supposed to seem important to us – the car, the condo, our versions of success – but if that’s the case, why is the general feeling out there reflecting more impotence and isolation and desperation and loneliness? ... Toss all this, we gotta find something else. Because all I know is that at this point in time, we are heading for a dead end, a numbing of the soul, a complete atrophy of the spiritual being. And I don’t want that.¹⁸⁵⁷

¹⁸⁵⁶ ROMBES, *supra* note 1847, at 129. See also ART LINSON, WHAT JUST HAPPENED?, 141-157 (2002).

¹⁸⁵⁷ Heath, *supra* note 1634, at 66 – 67.

D.6.3.1.2. Territorial *and* a Product of Deterritorialization

Concerning the counter-dyad of territoriality and production from deterritorialization, FIGHT CLUB builds a believability of the narrative by employing the House on Paper Street as an artifact that balances this underlying tension. To start, the House on Paper Street is an attractive endpoint of exodus specifically because of its blighted and visibly deteriorating status as a waste product of land use revision. Both in the story and in cinematic reality, the site itself was under major transformation as zoning priorities had shifted against the existing residential use.

The territorial nature of the House on Paper Street is strictly defined by Tyler's character. In spite Tyler's imaginary status as a friend of Jack, Tyler *gives* Jack permission to live in the House on Paper Street after they destroy Jack's condominium.¹⁸⁵⁸ Later, once Marla attempts suicide, Tyler retrieves her from her residence to temporarily reside with him in the house, unconcerned with his alternative personality's wishes to cohabitate with her.¹⁸⁵⁹ Most important to the quasi-monastery that inhabits the House on Paper Street, with Project Mayhem, Tyler creates and enforces the mechanism for each potential student to enter the house for training.¹⁸⁶⁰ After measuring the basement to determine the number of loyalists who could fit in the house, beyond the rules already outlined for Project Mayhem (See **TABLE 32**), Tyler even defines the appropriate material possessions of each resident (See **TABLE 35**).

Who, what, and how the residents live at the House on Paper Street are entirely defined by Tyler, manifesting an alternative lifestyle that demands undying commitment. Under Tyler's leadership, a legitimate threshold is established between the strata of the dominant culture and the assembled closed universe that is Project Mayhem. Built from a wasted landscape, populated by waste-identifying inhabitants, and suspended at distance from consumer culture by blight, the House on Paper Street is an active physical character in Project Mayhem's endeavors to "Tylerize" society as it exists in 1999.

D.6.3.2. Decoding of Territory for Equity

The physical spaces that are employed for FIGHT CLUB are unique from real structures in that they do not have to work beyond their ability to tell a story. As discussed previously, the Fight Club story was born of Palahniuk's anger, an anger that reflects a systemic unfairness in the

¹⁸⁵⁸ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 46. See also FINCHER, *supra* note 1633, at mins. 00:31:30 – 00:32:05.

¹⁸⁵⁹ *Id.* at 58–59. See also FINCHER, *supra* note 1633, at mins. 00:50:35 – 00:52:32.

¹⁸⁶⁰ *Id.* at 127 – 128. See also FINCHER, *supra* note 1633, at mins. 01:24:32 – 01:28:01.

TABLE 35. Required Possessions for Admission into Project Mayhem

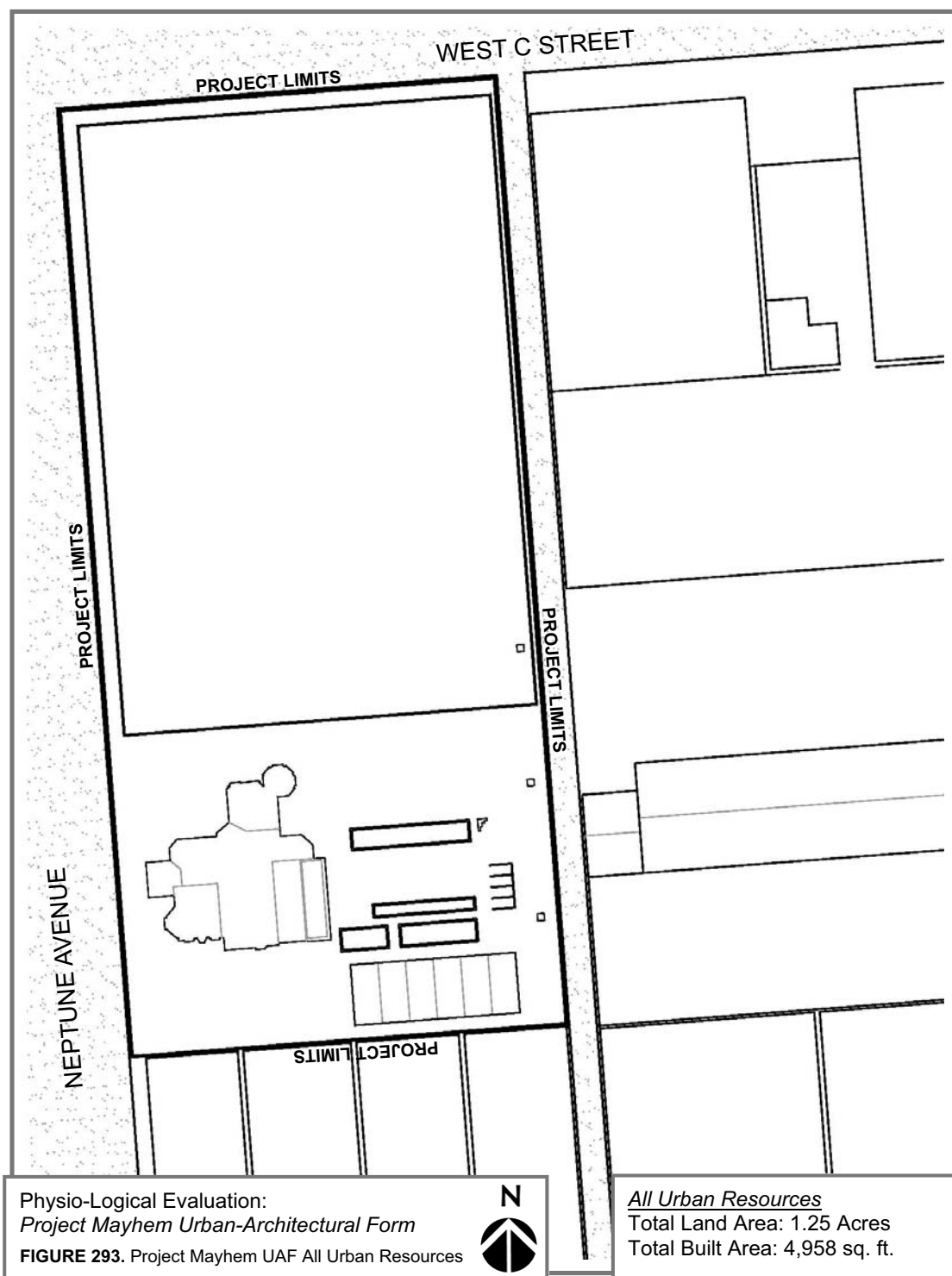
NOTATION	REQUIRED POSSESSIONS FOR ADMISSION	PAGE
1	\$500 personal burial money.	127
2	Two black shirts.	127
3	Two black pair of trousers.	127
4	One pair of heavy black shoes.	128
5	Two pair of black socks and two pair of plain underwear.	128
6	One heavy black coat.	128
7	This includes the clothes the applicant has on his back.	128
8	One white towel.	128
9	One army surplus cot mattress	128
10	One white plastic mixing bowl.	128

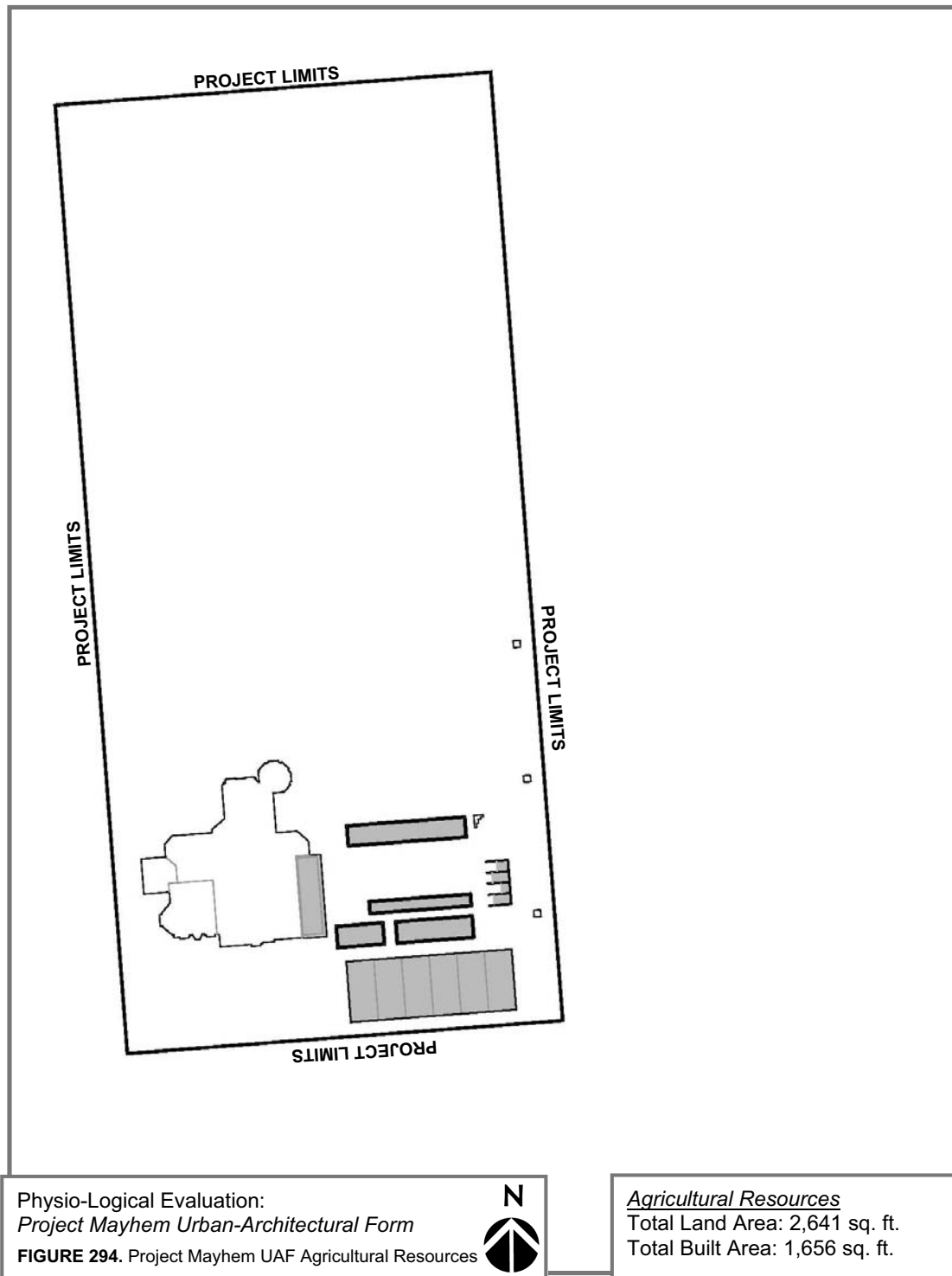
methods of consumer status, labor conditions, and cultural changes that have occurred during his lifetime. Here, taking an idea to its logical conclusion (fighting, pain, authenticity, and cultural change), one could argue that Palahniuk is attempting to emulate his hero in the short story “Dear Mr. Levin,”:

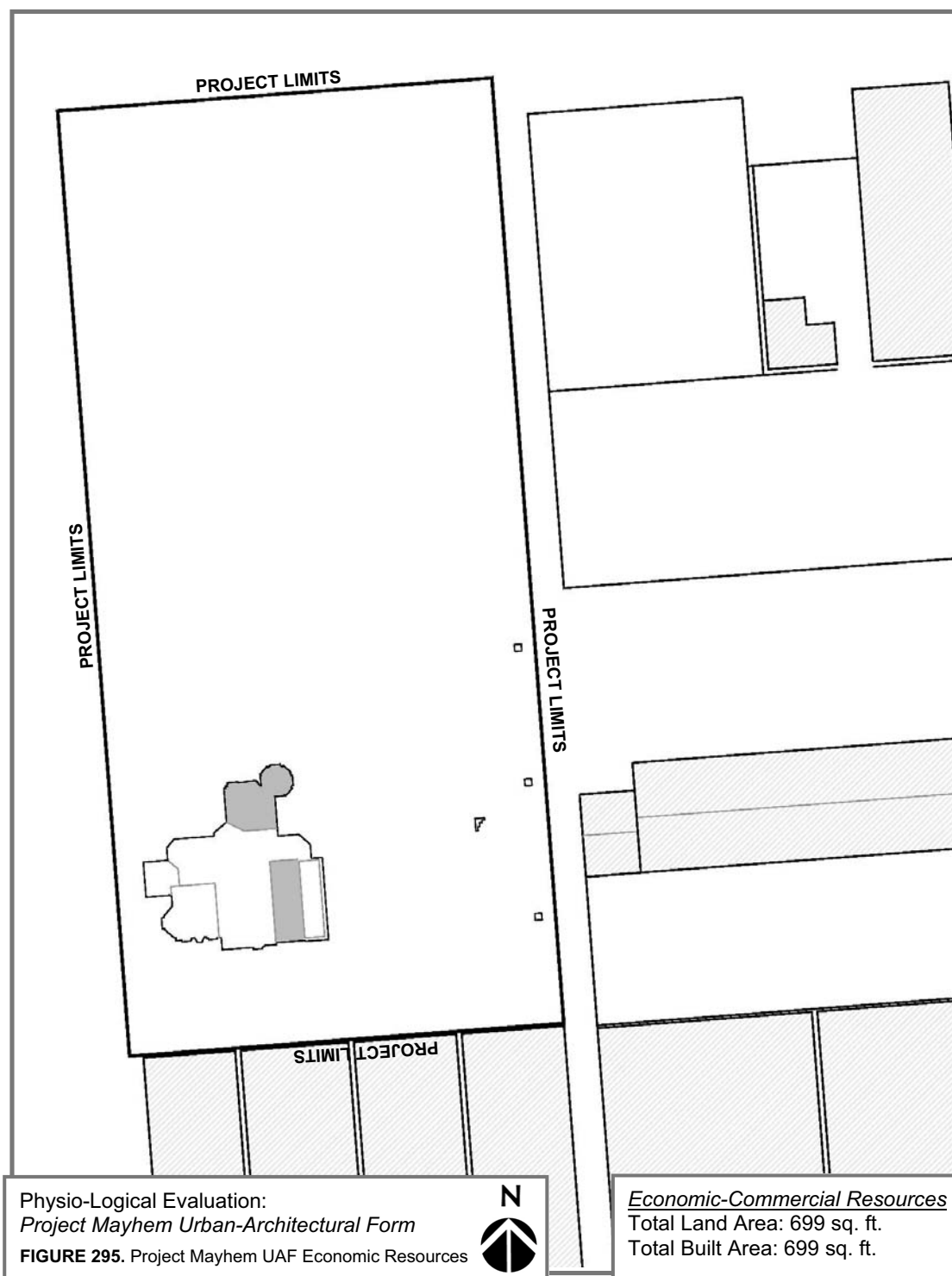
Your books, including Rosemary’s Baby, The Stepford Wives, and Sliver, take some of the thorniest issues in our culture and charm us into facing the problem. As recreation. You turn this kind of therapy into fun.¹⁸⁶¹

In attempting to tackle issues inherent in a peace-time, consumer-driven society, Palahniuk and Fincher both reiterate a story that addresses the disconnection contemporary middle-generation citizens’ experience from both their political and lost primal knowledge. It is doubtful that either Palahniuk or Fincher, or for that matter any of the other participants in FIGHT CLUB believe that a return to pre-civilization conditions could be an acceptable answer to the contemporary ills of globalization. Rather, these writers, actors, filmmakers, and designers rely on sophisticated muckrakers to warn others that the growing inequity of globalization in all forms must be regularly addressed or bad things will happen. For instance, a Tyler Durden could potentially spring into existence via schizophrenic episode, raise an army and demolish eleven buildings throughout the United States. Or worse, a WUO or a Ted Kaczynski-based “Freedom Club” could imagine only violence as a response to the inherent class, environmental and economic unfairness perpetuated with unfettered capitalism and react with a violence that could be avoided with greater cultural sensitivity. Immediately following are **FIGURES 293** through **303**, figures which graphically detail the results of the physio-logical evaluation and newspaper analysis of the House on Paper Street case study.

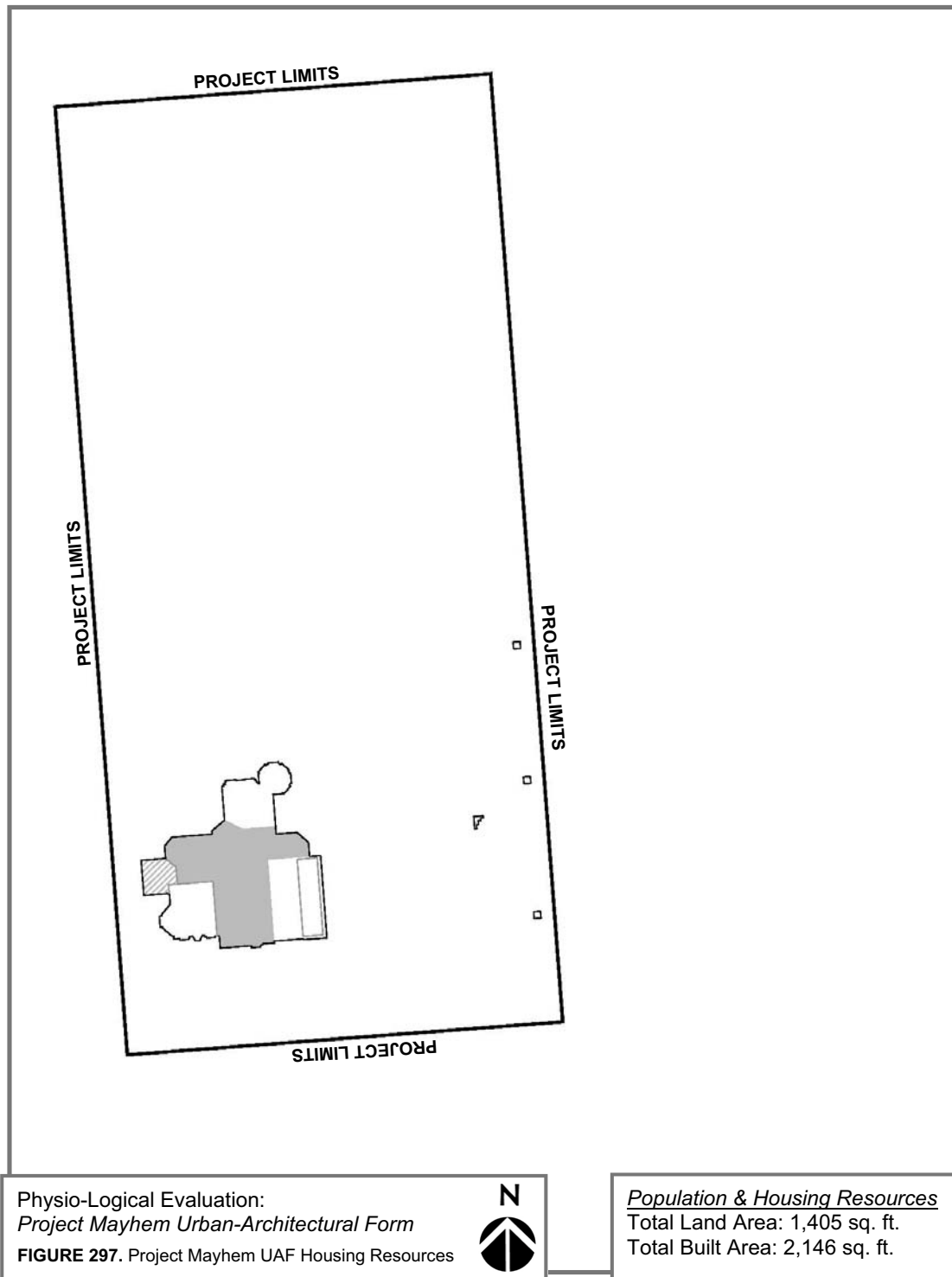
¹⁸⁶¹ PALAHNIUK’S STRANGER THAN FICTION, *supra* note 1620, at 186.

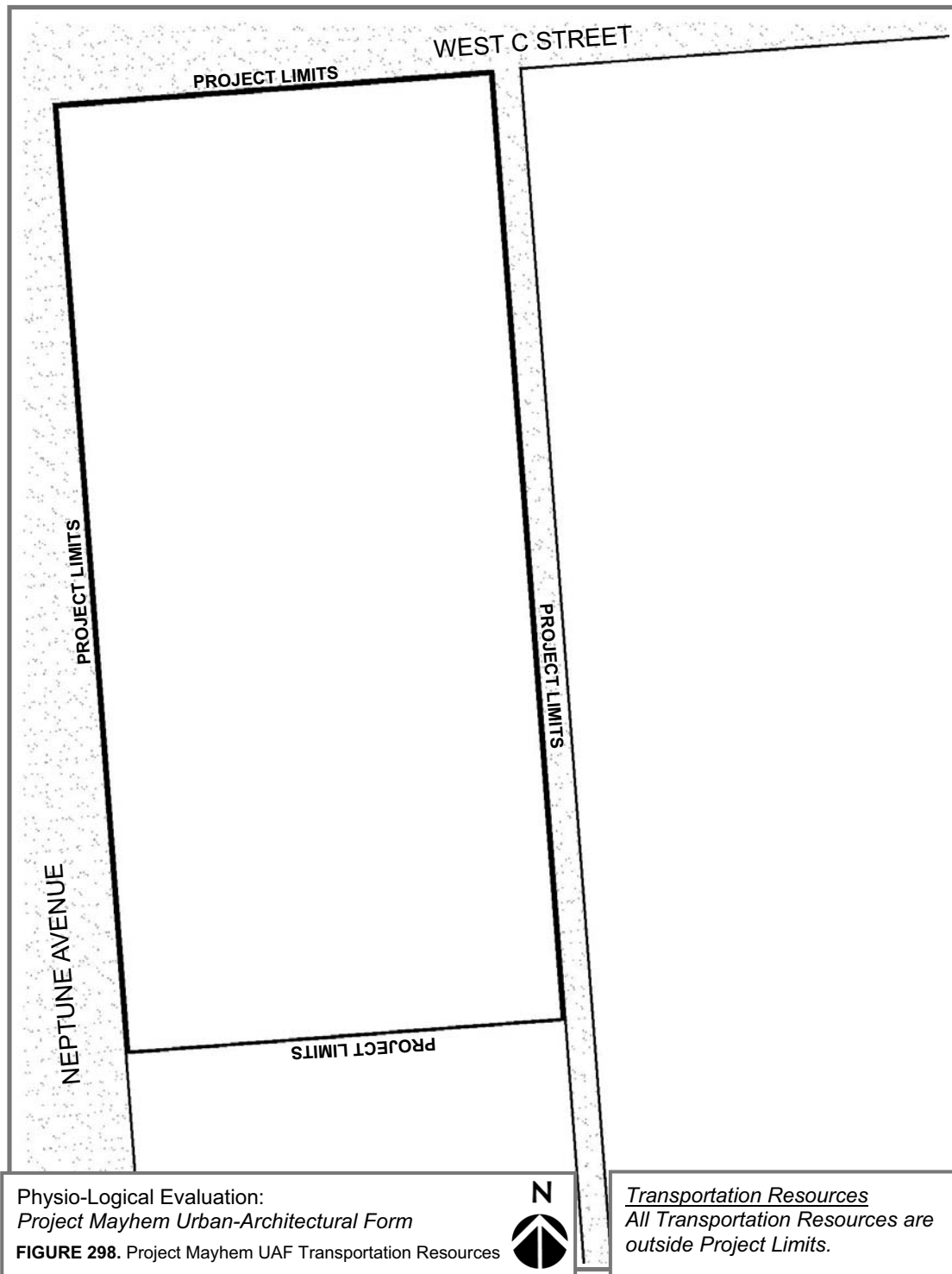












House on Paper Street

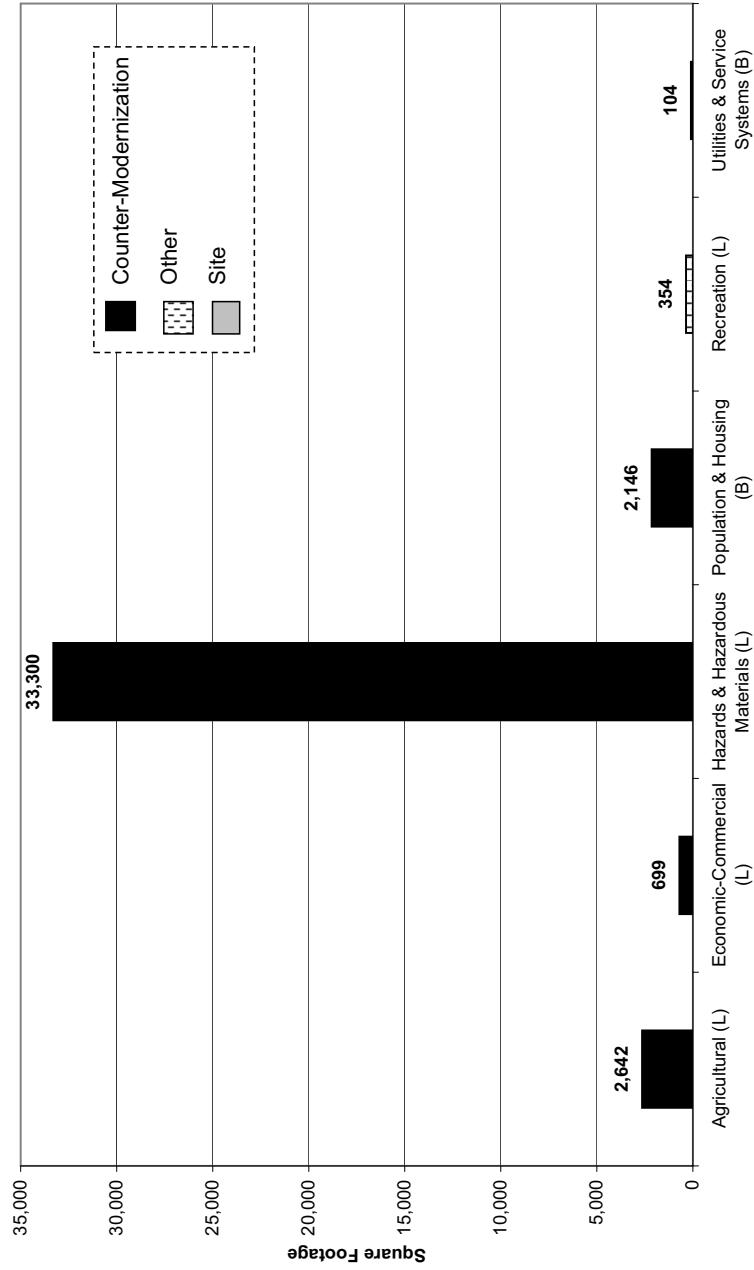


FIGURE 299. Project Mayhem Urban Resource Utilization

House on Paper Street (Sq. Ft., Percentage)

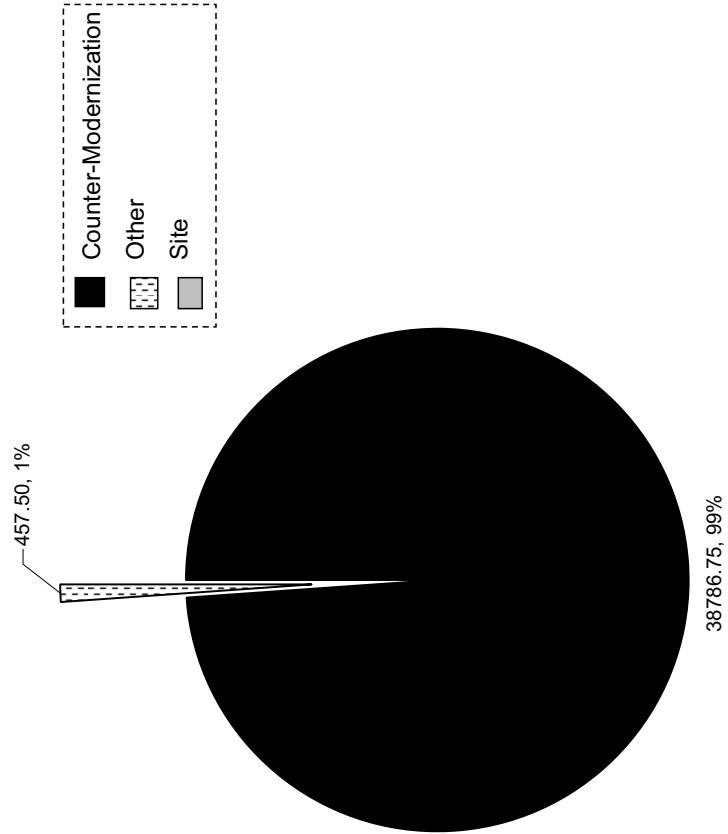


FIGURE 300. Project MayhemProportional Outlay of Urban Resources

House on Paper Street - New York Times

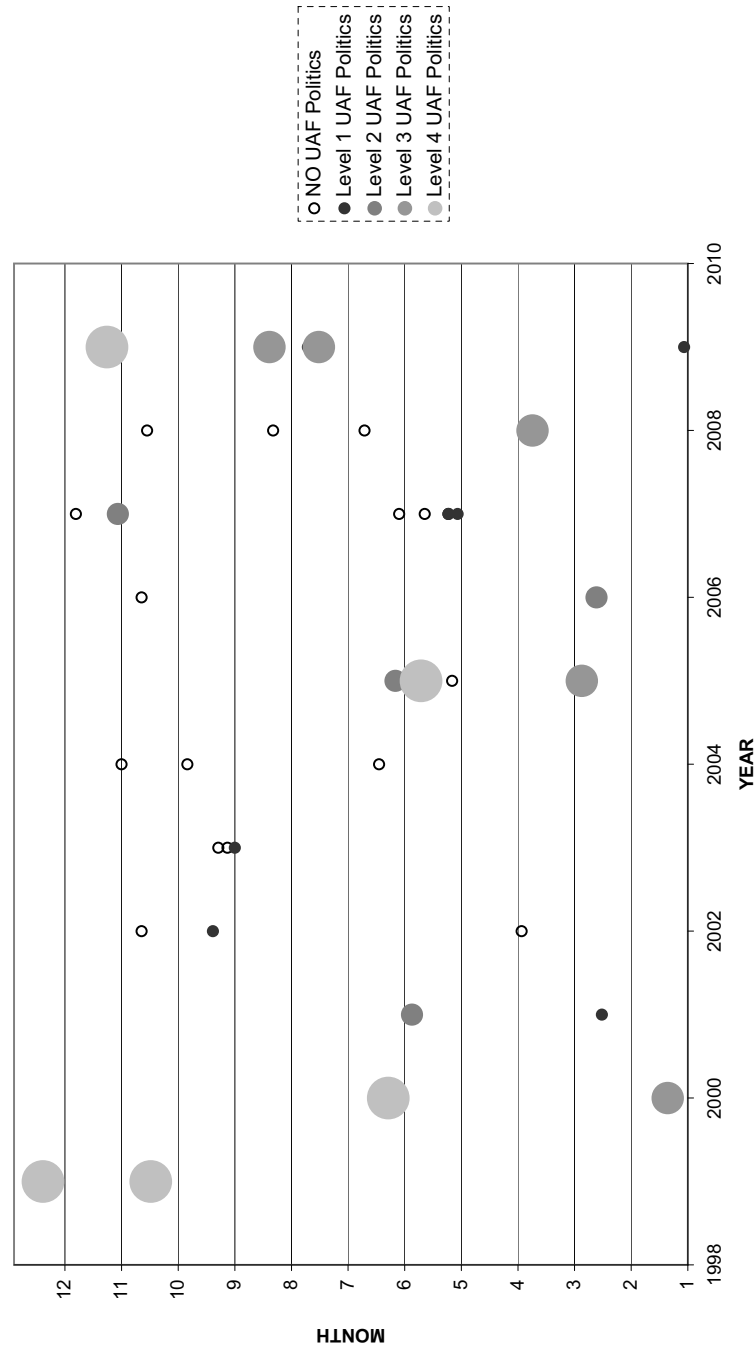


FIGURE 301. Project Mayhem: New York Times Analysis

House on Paper Street - Los Angeles Times

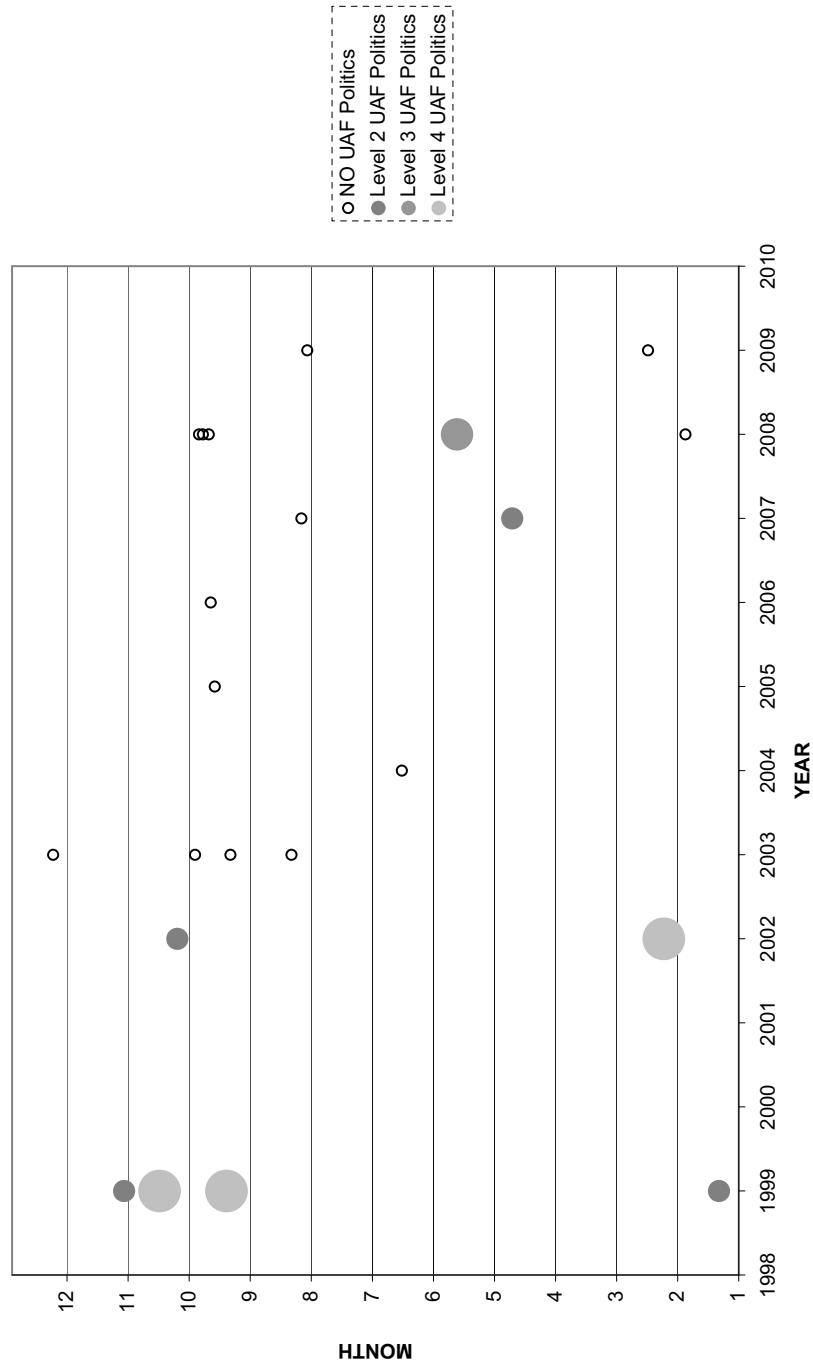


FIGURE 302. Project Mayhem: Los Angeles Times Analysis



Photographs by Peter DaSilva for The New York Times



NAME THAT FACE

Dr. Paul Eckman believes that facial expressions are distinct, predictable and easy to read for someone who has studied them. His research involved breaking the expressions down into their specific muscular components and developing programs to help train people to become more accurate observers of the feelings that flit briefly across others' faces.

Here he demonstrates eight emotional states. How many of them can you match to the pictures? The answers are below.

- A. Determination
- B. Pouting
- C. Fear
- D. Neutral (no emotion)
- E. Sadness
- F. Anger
- G. Surprise
- H. Disgust



FIGURE 303. Research Partially Funded in 2003 by the TGIE. In place of #8, an image from the *FIGHT CLUB* film exhibits the intentions of the "Project Mayhem" characters in deterritorializing their own facial forms to invent a new "real" basis of community identification and camaraderie. Collage image is provided courtesy of the underlying graphic by the *NEW YORK TIMES* (2003) with an image shot from *FIGHT CLUB*, provided courtesy of Fox 2000 Pictures (1999).

D.6.4. Results of Physio-Logical Evaluation

Two supplemental empirical studies have been undertaken so as to verify the findings of the traditional historical-interpretive method regarding the House on Paper Street's urban-architectural form. The first empirical study is a plan-based observation of the House on Paper Street. All the land use and built expressions by the community have been categorized based on either the targeted responsiveness to the nuisance of global modernization [nuisance], its responsiveness to existing site conditions [site], or other services required of the urban-architectural form [other]. After categorization, land and built areas were tabulated for comparisons in terms of the purpose of built urban form. This categorization and tabulation thereby allows for a legibility of the urban-resource expression as per communal aims, existing physical conditions, and other non-nuisance concerns (*See* **FIGURES 299** and **300**).

The nuisance of greatest importance concerning the inhabitants of the House on Paper Street was the lack of authenticity experienced in the consumer culture of which they were involuntarily a part. As each individual character of FIGHT CLUB was born into this middle-generation status, they each react by becoming volunteers in an operation to liberate civilization from all meta-political structure. In order to undertake this liberation, the residents of the House on Paper Street must train, prepare for a post-civilization world, and must literally manifest this post-civilization world. With closer examination, the "nuisance amelioration" necessary for the residents of the House on Paper Street requires the Tyler-defined territory be a zone of anti-consumerist living and active violent subversion.

Of the total 1 1/2 acres that encompasses the House on Paper Street, 39,244 square feet have been developed to express an integrated mixed-use built environment. Of this area, nearly all that has been developed or accepted as appropriate urban space is expressed as a form of counter-modernization against the dominant culture. Only the bathroom and recreation room have been utilized for "other" purposes. Both the built and land area represent six resource categories including "Agricultural," "Economic-Commercial," "Hazards & Hazardous Materials," "Population & Housing," "Recreation," and "Utilities & Service Systems." Of these, four categories directly counter-modernize against the dominance of consumer and commercial enterprise over human existence. Reflexively developing against globalization, 38,787 square feet of development were employed for the following categories: "Agricultural" (2,642 square feet), "Economic-Commercial" (699 square feet), "Hazards & Hazardous Materials" (33,300 square feet), and "Population & Housing" (2,146 square feet). The remaining 458 square feet

were employed for other uses and were divided between two categories: “Recreation” (354 square feet) and “Utilities & Service Systems” (104 square feet).

In summary, after execution of the physio-logical evaluation of the properties of the House on Paper Street UAF, the resulting built environment is persuasive in convincing the observer that the development was undertaken so as to represent in the film a counter-modernization against the nuisance of commercial-consumer dominance. As nearly all the development (99%) on the residential lot of the House on Paper Street has been devoted to redefining the blighted property into a campus for urban anarcho-primitivist training, this vernacular expression is validated as an urban-architectural form designed and constructed so as to counteract the general malaise brought upon by consumerism. Here, the House on Paper Street has overwhelmingly met the supermajority threshold required for confirmation of the UAF’s status as a cinematic product of minor architecture.

D.6.5. Results of Correlative Newspaper Analysis

A correlative newspaper analysis is the second of the two supplemental empirical studies undertaken so as to verify the findings of the historical-interpretive evaluation of the House on Paper Street’s urban-architectural form. Newsprint evidence was harvested from a comprehensive archive search of the NEW YORK TIMES and the LOS ANGELES TIMES. After all articles were collected, the evidence was organized and presented so as to verify or highlight inconsistencies as it concerns the findings of the case study. Entailed in the organization, a system of evidentiary coding was applied to all applicable articles that discussed both the marginalized population and the real cinematic property location they inhabited as directly referenced in the case study. Each article was reviewed for word phrase “triggers” or evidentiary “incidents” that, after tabulation, potentially express correlative relationships between the marginalized population, the built environment, and reflexive developments by the marginalized population in response to the dominant culture’s expression of global modernization.

Restating prior sections, the nuisance of greatest importance to the residents of the House on Paper Street was the outright dominance of the consumer culture regarding every aspect of their lives. As the built environment at issue in this case was created for the film version of FIGHT CLUB the news survey covered a period beginning in January 1999 after the film was shot but before the film was marketed for distribution. The survey ended in late 2009 when the survey was undertaken. Over that ten year period, 38 articles were published in the NEW YORK TIMES

that included the words “Fight Club” AND “Palahniuk,” and 23 articles were published in the LOS ANGELES TIMES during the same period with the same word search (See **TABLE 36**).

TABLE 36. Verification of Project Mayhem Correlative Newspaper Analysis

0.0%	<i>Correlation between "home" of tested minor community and primary issue of political significance.</i> 0.000 New York Times 0.000 Los Angeles Times
28.8%	<i>Expression of Nuisance</i> 0.316 New York Times 0.174 Los Angeles Times
40.6%	<i>Expression of Minority Response to Nuisance</i> 0.421 New York Times 0.391 Los Angeles Times
29.7%	<i>Expression of Equity Undertaken Due to Political Discourse</i> 0.289 New York Times 0.304 Los Angeles Times
29.7%	<i>Expression of Representation Value in Newsprint</i> 0.421 New York Times 0.174 Los Angeles Times
0.0%	FAIL VERIFICATION OF CORRELATIVE NEWSPAPER ANALYSIS

Due to the nature of evaluating a film’s urban-architectural expression, the correlation method employed in the other real-property case analysis is not applicable. Instead, any article written about Palahniuk’s FIGHT CLUB is assumed to discuss the community of anarchists central to the anti-consumerist story. Therefore, all articles that were written with the word group “Fight Club” AND “Palahniuk” have been graphically represented in **FIGURE 301** and **FIGURE 302**, respectively expressing the results of the review of NEW YORK TIMES and the LOS ANGELES TIMES. Symbols within the graphic representations have been developed to note the article’s magnitude of relative reflection as it concerns the plight of the House on Paper Street residents against marginalization and the use of the urban-architectural form in response to the nuisance of globalization.

These correlations were determined with a process of coding, whereby incidents of “nuisance”, “response”, “equity” and “representation” were flagged and tabulated. After tabulation a determination as to the political potency of each article was undertaken, whereby if there were no incidents in the selected article, that article would have a UAF Politics determination of “O.” If

the article had three of the four possible incidents, that article would have a UAF Politics determination of “3.” Finally, if a single article had all four incidents, it would receive a determination of “4.” This allowed for the creation of a scale from “0” – “4,” a rating that is graphically represented and charted with all other sample articles based on the date of publication.

Although significantly better than the Bartertown correlative survey, the newsworthiness of FIGHT CLUB in terms of enunciating the minority politics of anarcho-primitivism proves to be quite limited. Of the 38 NEW YORK TIMES articles discussing the FIGHT CLUB story, only twelve of the articles (32%) discuss the nuisance at issue in the story. Of the 23 LOS ANGELES TIMES articles, only six (26%) write about the motivating nuisance. Surprisingly, both the NEW YORK TIMES and the LOS ANGELES TIMES surveys evidence more of a discussion regarding the responses taken by the residents of the House on Paper Street. Of the 38 NEW YORK TIMES articles, 16 (42%) discuss the violent measures employed for nuisance remedy. Of the 23 LOS ANGELES TIMES articles, nine (39%) outline the responsive measures taken by Palahniuk’s characters.

As a third tier of equity-seeking by the marginalized population, the articles represented a limited discussion in the news considering the underlying nuisance of concern. As it concerns the process of equity actualization, of the 38 NEW YORK TIMES articles, eleven (29%) report on efforts of equitable resolution involving agency beyond Fight Club support group membership. Of the 23 LOS ANGELES TIMES articles, seven (30%) report on such equity-seeking mechanisms outside Fight Club support group influence.

Finally, considering the limited number of articles addressing FIGHT CLUB, a substantially smaller number of them discuss the representational value of FIGHT CLUB for those experiencing marginalization under consumer-driven capitalism. Even so, a number of writers appreciate the message of Palahniuk’s tale of civil horror. One such writer conveys the message he received in this manner:

They admonish us to rebuild ourselves from the ground up, stripping away the dehumanizing technological toys and psychological baggage and starting all over again in the image of Buddha, Freud and Jesus.¹⁸⁶²

Of the 38 NEW YORK TIMES articles, four (42%) identifies the representative value of FIGHT CLUB. As for the LOS ANGELES TIMES survey, four of the total 23 articles expressed

¹⁸⁶² Bill Desowitz, *Finding Spiritual Rebirth In a Valley of Male Ennui*, NEW YORK TIMES, AR15 (Dec. 12, 1999).

“representational” triggers (17%). Here, the results and writing regarding FIGHT CLUB are quite limited in their substantive address of the political aspect of Palahniuk’s tale, avoiding a real discussion of the negative aspects of globalization. Rather, the masculinity, violence, reactive culture jamming and alarming anti-civilization prescription outlined in both the book and film assumed primacy as the message of the story and its fictional environs. In other words, the attention garnered by the cinematic aesthetic of the story overwhelms the enunciative value of the film’s built environment in expressing the marginalization at the heart of Palahniuk’s story in terms of the minor production of urban-architectural forms. Due to the lack of newsworthy coverage regarding the actual built condition of the House on Paper Street, a test of the correlative relationship between the FIGHT CLUB urban environment and the issues of importance according to the story was wholly unfruitful. As such, the survey reinforces a finding of failure as to the cinematic urban-architectural form’s performance as a minor product of enunciation.

D.6.6. Conclusion: Pass or Fail

FAIL. Unlike the corporate and union bosses depicted in FIGHT CLUB, the multi-national corporate backers that paid for the publication of Palahniuk’s first book and financed the \$63 million budget necessary to realize this Fincher film were not manipulated into complying with any underground terrorist plot. On the contrary, the publishers W.W. Norton & Company and 20th Century Fox, no matter how squeamish upper management may have felt with this new project, effectively encapsulated an end point to the grunge/independent film movement with typical products of media consumption. FIGHT CLUB was not unique for 1999, as in that year alone AMERICAN BEAUTY, EYES WIDE SHUT and BEING JOHN MALKOVICH were all made with major industry actors and production backers hoping to monetize the independent film movement:

One possible reason for the growth of an art-film aesthetic (of which narrative experimentation is a recognizable element) is the transformation of a once marginalized art-house commerce into a lucrative corporate marketing reality.¹⁸⁶³

Although the cinematic release was disappointing, FIGHT CLUB has since become one of Fox’s best selling DVD products. Reflecting a unique historical moment,¹⁸⁶⁴ the will of a technocrat

¹⁸⁶³ ROMBES, *supra* note 1847, at 131. From the article *Non-Linear Narrative* by Bruce Isaacs.

¹⁸⁶⁴ FINCHER, *supra* note 1633, at mins. 02:17:15 – 02:17:40. On the commentary track of Alex McDowell, he outlines how he has enjoyed working on a film he believes is an accurate picture of the historic time, finding in the final film a timeless quality.

auteur filmmaker was set to produce a timely anti-consumerist story of masculinity with the full financial and institutional backing of a major corporation headed by a notably ultra-conservative head (Rupert Murdoch). This combination led to a short moment in film history whereby the “subversive is perhaps itself a commodity aesthetic.”¹⁸⁶⁵ Marking the meaning of this unique event, for the artists and punkish rebels producing their work within the corporate structure, resignation rather than success against the dominance of the commercial culture is most likely the reason behind such strange partnerships between corporate financiers and anti-establishment expressionists.

If punk was a reaction to a political, economic and social mentality, new punk [a characteristic defined by the *Fight Club* aesthetic] might refer to a deflation of values and purpose, a resignation that the battles have been fought and lost.¹⁸⁶⁶

Further evidence of the co-option of the punk, anti-consumerist and subversive elements of the late 1990s into the mill of commercial enterprise was the widespread reflection of FIGHT CLUB elements in the fashion of 2000. Prada, Byblos, Gucci, Dolce & Gabbana, and Versace all presented major runway collections reflecting a FIGHT CLUB aesthetic for the luxury market in January 2000.¹⁸⁶⁷ As male models sculpted beyond imagination exhibiting razor blades and excessive zippers, the transition of FIGHT CLUB from cultish anger expression to sales as a commodity for commercial enterprise was complete.

FIGHT CLUB was written and produced to look, feel and sound like a product of minor political enunciation so as to capitalize on consumer malaise with the existing products available for consumption. As this story was not promoted or executed by any community facing authentic marginalization, its ability to legitimately reflect a merger of resistant politics and the built environment is fundamentally flawed. Although the original author and its cinematic auteur may have represented a real emotional connection to victims of marginalization, they have themselves only found profit within the consumer culture that produced their story and the cinematic environment that was evaluated in this case study (See **TABLE 37**).

¹⁸⁶⁵ ROMBES, *supra* note 1847, at 138.

¹⁸⁶⁶ *Id.* at 131.

¹⁸⁶⁷ Ginia Bellafante, *In Milan, a 'Fight Club' Mood, But Real Men Suit Up*, NEW YORK TIMES, B10 (Jan. 11, 2000).

TABLE 37. Conclusion of Project Mayhem as Minor Architecture

SUBJECT TEST	PASS	Notes
Clear Nuisance	■	Alienation and loss of authentic life caused by globalization
Collective Expression	■	Project Mayhem at the House on Paper Street
Singular Linguistic Form	■	Vernacular
UAF	■	According to the story, an UAF has been created by the space monkeys who occupy the House on Paper Street in furtherance of their anarchist aims
Rhizomatic	■	Methods of self- and collective-destruction are employed to find sobriety from civilization
Deterritorialization of Major Language	■	Reterritorialization of “toxic waste part of town” in furtherance of Project Mayhem aims to train and topple the finance industry
Connect Individual to Politics	■	As residents are defined by Tyler’s rules, each individual living in the House on Paper Street is committed and lives by the political activism of Project Mayhem
Enunciation of Minority	□	No real minor collective has been represented with the House on Paper Street
MINOR DESIGN	□	Aesthetic of minor design is superficially achieved, but the filmmakers have fetishized the angst and culture of nonconformity as a novel product for consumption
Tetravalent Condition of Assemblage	■	The House on Paper Street is a territory exempted from globalization, sheltering residents as they defy consumer culture
Decoding of Territory furthering Equity	■	House on Paper Street proves to be an urban-architectural symbol of the reactive potential in unchecked inequity with globalization
ENVIRONMENTAL JUSTICE	■	Environmental justice is of primary concern of the film’s UAF
Resource Use Congruence	■	Overall employment of vernacular development to as response to commercial dominance and waste in society
Overall Nuisance Response	■	Super-majority of urban development is reactive to nuisance
PHYSIO-LOGICAL VALIDATION	■	Nuisance of dominant consumer culture has been responded to with Project Mayhem UAF
NEWSPAPER VALIDATION	□	Correlation is not possible due to the lack of newsworthiness of the built environment within the FIGHT CLUB story
Minor Expression of Built Environment:		FAIL

D.6.6.1. A Fable of Anger against Globalization

In spite of its failure as a minor production of the built environment, FIGHT CLUB does provide an uncanny depiction of past and future events from its temporal position in 1999. At the end of

Palahniuk's version of FIGHT CLUB, Jack describes the terrorist vision of his schizophrenic counterpart:

“It has to be big,” Tyler says. “Picture this: you on top of the world’s tallest building, the whole building taken over by Project Mayhem. Smoke rolling out the windows. Desks falling into the crowds on the street. A real opera of a death, that’s what you are going to get.”¹⁸⁶⁸

In Palahniuk's anger and with his journalist training, he was able to tap into and superficially understand the motivations of those that are compelled to act out with extreme violence against the dominant actors of globalization. Just two years later, the tallest buildings at the heart of the world's finance industry were successfully attacked by a group of men under the leadership of single proven leader. This leader was born into a massive family, a family with a self-made patriarch that had many wives and many children (54). This leader, after experiencing a spiritual void, searched for a grander spiritual movement based on a historical point in his local culture. Eventually he would abandon his ties to family wealth, rejecting contemporary comforts he could easily enjoy to live in caves, remote hills and exiled compounds until his death. Over time Palahniuk succeeded with FIGHT CLUB beyond simple commercial marketability. With this niche literary product, the author has created a fable to warn against the potential byproducts of commercial inequity carried out on a global scale. In creating a tale that many Americans can identify with as recreational, he and Fincher have charmed their audience into facing grander ethical issues so as to redefine the meaning and priority of environmental justice.

D.6.6.2. The American Frontier

Miles away from both Wilmington, Delaware, and Wilmington, California, there is a rural frontier where there are individuals fighting consumerism on the ground. In 2002, Elizabeth Gilbert wrote a book about a leader of the primitivism movement in the United States, titled “The Last American Man.” This very same writer that later wrote “Eat, Pray, Love” in 2006 chronicled Eustace Conway, dignifying him as a model of masculinity and self-reliance in the United States.¹⁸⁶⁹ Conway started and continues to manage the Turtle Island Preserve in North Carolina, where he teaches primitivist knowledge first-hand in workshops and among a loyal community who lives there full time.¹⁸⁷⁰ Also within the state of North Carolina is the Wildroots “radical homestead,” another primitivist community that teaches both workshops and long-term

¹⁸⁶⁸ PALAHNIUK'S FIGHT CLUB, *supra* note 128, at 203.

¹⁸⁶⁹ *Official Website of Elizabeth Gilbert* (2012) <<http://www.elizabethgilbert.com/>>.

¹⁸⁷⁰ ROSEN, *supra* note 1441, at 203 - 212.

“earthskills.”¹⁸⁷¹ In his nonfiction essays *STRANGER THAN FICTION*, Palahniuk quotes Thomas Jefferson as saying “as long as America has a frontier there will be a place for America’s misfits and adventurers.”¹⁸⁷² Wildroots and the Turtle Island Preserve are persuasive of the fact of this quote, as in the expanse of the American experience where these misfits can find cheap land and build there is still hope to *demonstrate with action* the possibility of a better, perhaps more appropriate method of civilization. Even if such proposed methods of civilization wholly reject the very premise of civilization.

¹⁸⁷¹ *Wildroots* (Spring 2011) <<http://www.wildroots.org/>>. The Wildroots community was referenced in the article “What is Anarcho-Primitivism” as an example of a working community practicing the philosophy of anarcho-primitivism. See *What is Anarcho-Primitivism*, *supra* note 1806.

¹⁸⁷² PALAHNIUK’S *STRANGER THAN FICTION*, *supra* note 1620, at 98. Immediately after this quote, Palahniuk retracts the notion that Thomas Jefferson actually made such a statement.

E. CONCLUSION

Following the model of minor production outlined by Deleuze and Guattari in their treatise *KAFKA: TOWARDS A MINOR LITERATURE*, the objective of this dissertation is to evaluate the possibility that architecture can be realized as a minority political expression of resistance against the dominant imposition of modernization. Unlike the written word, the power of architecture is created with spatial planning, finance, a physical structure, and in this case, resident activists maintaining the lifestyle necessary to animate realized urban forms. Beyond simply finding a sympathetic audience, as was the case with the minor work of Franz Kafka, minor architectural expression literally requires personal devotion by a population willing to spend not years, but decades on the success of a single expressive unit. Acknowledging the necessary expenditure of human life in furtherance of an underdog cause via the built environment, after this review, it is phenomenal to find that at least one of the six cases reviewed has not only realized minor architecture according to the Deleuzean *Kafka* framework, but has expressed their urban resource allocation specifically in accordance to minority desires, all the while finding enunciative reflection in mainstream newsprint.

Due not only to the significant analogical fit of the Tibetan Government-in-Exile as to the characteristics and condition of minor linguistic expression, the remaining real-world cases reviewed all exhibit variant magnitudes of conformity to the Deleuzean *Kafka* framework. Therefore, based on the results of the research as executed, it can be reasonably argued that not only is a minor architecture possible, but communities facing marginalizing threat from dominant forms of global modernization are contemporaneously practicing such design methods to avoid collective disenfranchisement.

At the outset of this paper, it was asserted that if the Deleuzean *Kafka* framework can transition from literature to architecture, then the built environment can be politicized to the advantage of minority groups facing cultural threat. This allows urbanism to act as a tool of advocacy and an enriched home of protected sanctuary for those cultural forms facing immediate erosion under global norms of development and policy. Better than the literary power of minor enunciation, such urbanism can act directly as a physical place of human existence in furtherance of minority aims. This environmental reality is demonstrated in all the real-world cases of this report, as each community has iteratively improved upon and reified those unique cultural forms found necessary for continued collective identity. Ultimately, this unique collective identity is central to the health, safety and well being of community members who rely on such forms in their own

pursuit of a fitting personal narrative employing such cultural products regardless of their congruence with current dominant norms of expression.

Just as importantly in the study of architectural design, the *Kafka* framework should be employed to proactively plan and design expressions of minor design. Necessitating a non-dominant yet coherent role for urbanism, the prescribed rhizomatic procedure of development allows the eventual content of the cultural product to truthfully reflect the values of resident activists even as they change in time and practice. In actively designing the built environment according to the characteristics of minor production, a protagonist community can freely develop without worry of offending either the local neighbors or those who enforce the dominant norms of development. In such a setting where the physical environment has been voided of political meaning, the supplanting community can earnestly innovate without the dogmatic ties of their home culture all the while openly breaking the normative rules of the existing hierarchal holder of conventional expertise. Put another way, by building in a place of deterritorialization and employing deterritorializing techniques in further expression, the designer can provide an overtly political environment that connects each individual to the issue of minority complaint, and at the same time, can provide a collective cultural product representative of the greater community's desire for environmental equity. By illuminating the procedural characteristics of minor production, the Deleuzian *Kafka* framework defines a tested process of minor design.

TABLE 38. Case Study Findings

Case Study	Linguistic Category	Location	Finding	Primary Designer
Bartertown	Vehicular	Sydney, New South Wales, Australia	FAIL	Set & Art Director
Tibetan Government-in-Exile	Vehicular	Dharamsala, Himachal Pradesh, India	PASS	Town & Country Planners
Student Bonfire	Mythic	Robertson County, Texas	PASSING	Structural Engineer
Isla Vista Recreation & Park District	Vernacular	Isla Vista, California	PASSING	District Board and General Manager
Emergent Cannabis Community of Arcata	Referential	Arcata, California	PASSING	City Planners and Council
House on Paper Street	Vernacular	Wilmington, California	FAIL	Set & Art Director

E.1. IMPACT OF A MINOR ARCHITECTURE

In review of the six cases selected as potential evidence of minor architecture, one of the cases was found to pass the three-part test of minor production, three were found to be passing the three-part test of minor production based on the future development of each community, and two cases were found to wholly fail as minor productions of the built environment (See **TABLE 38**). In the simple proven potentiality of minor architecture, there are significant impacts on professional designers and the contemporary study of architecture.

E.1.1. Impact on Architectural Study: Power

In 1992, Lebbeus Woods published ARCHITECTURAL MONOGRAPHS NO. 22, ANARCHITECTRE: ARCHITECTURE IS A POLITICAL ACT, a book that asserts that all architectural practice is essentially yoked to the political authority it reifies. Woods observes in his timeless treatise that:

All architects are deeply involved in their work with the political, whether or not they admit it to others, or themselves. Most architects in this highly commercial era, who accept commissions and clients that affect public life, are in fact committed to supporting the existing structure of authority as embodied in institutions of commerce and of its supporting political systems.¹⁸⁷³

This necessity to reify existing political power traces back literally centuries to the original book on architectural practice, Vitruvius's TEN BOOKS ON ARCHITECTURE, which begins:

While your divine intelligence and will, Imperator Caesar, were engaged in acquiring the right to command the world...¹⁸⁷⁴

Although in divergent manners, these two architectural theorists have provided the foundation of which this report's research was based, that urban-architectural expression has direct implications in the representation of political power in relation to the dominant culture. In contrast to Woods's complaint that "professionalism separates architects from people and their need to change the conditions of their existence,"¹⁸⁷⁵ the subject of review in the six cases of this study evaluated the work largely of non-architectural practitioners employing dramatic efforts of self-help to realize that existential change in their built environment. Here, professionalism practically excluded the services of licensed architects, forcing the agents of change in each case

¹⁸⁷³ WOODS, *supra* note 11, at 8.

¹⁸⁷⁴ VITRUVIUS, *supra* note 7, at 3.

¹⁸⁷⁵ WOODS, *supra* note 11, at 9.

to employ planners, engineers, or skilled non-professionals to express a statement of self-help power in architectural details and spatial orientation.

The first impact of this study is the two-fold illustration regarding political power as expressed in the built environment. First, evidence of the enfranchising political power embedded in architectural development on an urban scale is persuasively presented by the cases of this study. Second, evidence of the lack of professional architectural input in the design of such enfranchising urban-architectural forms is common to all the cases and persuasively antidotal since none of the cases selected and reviewed closely coordinated with licensed architects. As it concerns the development of architecture on an urban scale, especially in the rare opportunities whereby clients must change the conditions of their existence for collective survival, it is paramount that architects as a professional body are actively engaged in the relationship of expressed power. As Woods has pointed out, before architects can be engaged in this relationship of power, they must first acknowledge it exists.

E.1.2. Impact on Architectural Study: Client

After acknowledgement of the relationship of power inherently expressed in architecture, especially when practiced at an urban scale, the ethical role of the architect in their service to the client broadens. Perhaps more importantly for the architectural profession, the field of potential clients actually broadens into territory previously monopolized by planners, politicians and even lawyers. For those clients that are advancing the agenda of the dominant culture, this new acknowledgement of the power in architecture means “the architect must propose programmatic elements within a client’s building programme, to account for the qualities for which the architect, not the client, is responsible.”¹⁸⁷⁶ For those clients representing a legitimate resistance to the dominant culture, the architect has an imperative role in both politics and expressive value of the project. As outlined by Deleuzean discourse regarding minor production, the architect must engage in a design process that secures an unencumbered territory for resistance *within* the greater strata of dominance, a solution that enfranchises without necessitating violent uprising, blatant cooption or immediate irrelevancy.

This “walk on the tightrope” provides the greatest potential breakthrough for architectural study and practice. In the act of acknowledging the legitimacy of minority complaints against potential bias in the dominant culture, architects may finally be free to seriously address issues of

¹⁸⁷⁶ *Id.* at 12.

environmental justice. More importantly, this newfound recoupling of the architect and political power can allow architects to shed their recent historic categorization with engineering and technology to reestablish pre-industrial ties the architect enjoyed as a social actor on behalf of both clients and the community. Asserting an active role in social change, the acknowledgment of the underlying power in urban-architectural design allows architects to realign their professional service so as to allow designers to negotiate a collective will to change the conditions of existence and provide the architectural means to do it in a resilient manner.

E.1.3. Impact on Architectural Study: Architect

The outright acknowledgement of power in architecture in and of itself should first enable architects to once again enjoy their work. The contemporary role of an architect today is as much concerned with interpreting legal code provisions as it is in the application of design principles to problems concerning appropriate construction. Openly addressing the legal-political role architects already play between the dominant culture and the client can free both the architect and client to openly discuss the politics of realizing the client's intentions with construction.

A second windfall from the implications of this study is that this affords architects an appropriate avenue to experiment in the design of the built environment. According to Deleuze and Guattari, the most thrilling aspect of minor production is the license to invent from the depraved, sober circumstances of the dominant language's redefined execution (reterritorialization) for minor purposes.¹⁸⁷⁷ But, as Nan Ellin commented in POSTMODERN URBANISM, it is professionally "inconsiderate to impose urban design that assumes a different way of life upon inhabitants unwilling to be guinea pigs,"¹⁸⁷⁸ limiting architects and planners in struggles for social change to the "political process, not urban design."¹⁸⁷⁹ That is, "unless they are experimenting on themselves."¹⁸⁸⁰ Within populations facing complete disenfranchisement, a newfound willingness to be "guinea pigs" is present so as to preserve the unique community under threat. Otherwise, members shall lose their way of life altogether to the mechanisms of the dominant culture. Under these sober circumstances, urban design *becomes* the political process to enunciate the value and necessity of avoiding disenfranchisement. Further, so as to best incorporate the design process for a minor communal cause, the architect or urban planner must identify with, and most likely, is a part of the collective design experiment. Even if they are not

¹⁸⁷⁷ DELEUZE & GUATTARI'S KAFKA, *supra* note 29, at 19 - 20.

¹⁸⁷⁸ ELLIN, *supra* note 13, at 225.

¹⁸⁷⁹ *Id.*

¹⁸⁸⁰ *Id.*

personally living within the development itself, their careers shall be judged and measured by the longtime success of such political acts performed via urban-architectural design.

In a more pragmatic manner, understanding and envisioning single architectural projects as existing within the political context of the immediate urban-architectural form provides a definable neighborhood scale for appropriate (sustainable) design decisions. As liberal notions of architectural production erode and smaller, tighter collections of local urban bodies gain in collective power, the employment of the “urban-architectural form” mechanism to create, recognize or synthesize the built environment with political intentions can aid in the legibility of each local-scaled development. In terms of addressing the growing design concerns of a post-liberal worldview, the urban-architectural form (or something like it) is critical in creating legible, effective “in-between” neighborhood-scale expressions of self-defined political bodies tied directly to the physical environment they represent.

E.2. CHOOSE DIY: MINOR ARCHITECTURE AS SELF-HELP

The successful cases evaluated have all committed to a self-help method of avoiding what they perceive as unacceptable communal disenfranchisement. During the 1990’s, at the height of globalization’s unchecked power, resistance was less threatening and had alarmingly become a novel form of market commodity. Arguably, the most telling commodification of “punk resistance” came in the popularity and market success of the band Nirvana. With disturbing lyrics of drug abuse, self-hate, suicidal tendencies and rape, the band was actually embraced by the music industry as an extremely profitable niche genre of contemporary music.

This trend did not end with music, as in book sales, a similar trend marked the industry’s embrace of the resistance aesthetic for corporate profits. In Palahniuk’s *STRANGER THAN FICTION*, a nonfiction series of personal, researched and journalistic stories collected under one heading, the author discusses the impact of his popular book *FIGHT CLUB* in terms of his fans’ openness regarding their own small acts of defiance:

People told me about blowing their noses into hamburgers at fast-food cooking jobs. They told me about changing the bottles of hair dye from box to box in the drug store, blond to black, red to brown, and coming back to see the angry, wild-eyed people screaming at the store manager. This was the decade of “transgressive novels,” starting early with *American Psycho* and continuing with

Trainspotting and *Fight Club*. These were novels about bored bad boys who'd try anything to feel alive.¹⁸⁸¹

In that chronological sequence, these books – all of which were turned into popular films - were about men doing inappropriate things as a method to either push themselves further into alienation (AMERICAN PSYCHO); or so as to connect to an altogether different group of miscreants in loose social organization (FIGHT CLUB and TRAINSPOTTING). In FIGHT CLUB and TRAINSPOTTING, the film versions represent a collective of like-minded associates resisting the charge of their dominant culture from the vantage of blighted neighborhoods. In the film adaptation of TRAINSPOTTING, John Hodge flatly lays out the protagonist's resistance to the dominant culture with the voiceover of the first scene:

Choose life. Choose a job. Choose a career. Choose a family. Choose a fucking big television, choose washing machines, cars, compact disc players and electrical tin openers. Choose good health, low cholesterol and dental insurance. Choose fixed-interest mortgage payments. Choose a starter home. Choose your friends. Choose leisurewear and matching luggage. Choose a three-piece suite on hire purchase in a range of fucking fabrics. Choose DIY and wondering who the fuck you are on a Sunday morning. Choose sitting on that couch watching mind-numbing, spirit-crushing game shows, stuffing fucking junk food into your mouth. Choose rotting away at the end of it all, pissing your last in a miserable home, nothing more than an embarrassment to the selfish, fucked-up brats you have spawned to replace yourself. Choose your future. Choose life.¹⁸⁸²

For many Americans, the term “DIY” is not as regularly used or common as it is in the United Kingdom where the TRAINSPOTTING story is set. DIY is an acronym for “do-it-yourself,” defined here:

do-it-yourself, *n.* the practice of constructing, repairing, redecorating, etc. by oneself instead of hiring another to do it -
adj. of, used for, or engaged in do-it-yourself **do-it-yourselfer**
n.¹⁸⁸³

Rather than mask their own feelings of alienation, the protagonists of both TRAINSPOTTING and FIGHT CLUB confront their own feelings with drugs, sex, fighting and grander schemes of mayhem to the entertainment of millions (at a distance) who enjoyed their stories. These agents, both fictional and representative of actual groups, are reacting to their own alienation with purposeful transgression, each providing harrowing fables to guard against the perpetuation of unchecked inequity via any dominant cultural scheme.

¹⁸⁸¹ PALAHNIUK'S STRANGER THAN FICTION, *supra* note 1620, at 213.

¹⁸⁸² JOHN HODGE, TRAINSPOTTING: A SCREENPLAY BASED ON THE NOVEL BY IRVINE WELSH, 3-4 (1996).

¹⁸⁸³ WEBSTER'S NEW WORLD DICTIONARY, *supra* note 165, at 404.

transgress, *vt.* **1.** to overstep or break (a law, commandment, etc.) **2.** to go beyond (a limit, boundary, etc.) – *vt.* To break a law or commandment; sin – **transgressive** *adj.* – **transgressor** *n.*¹⁸⁸⁴

Contrasting the cinematic versions of both TRAINSPOTTING and FIGHT CLUB, a major difference arises as to the chosen end of each protagonist's illegal activities. From the start, the cinematic TRAINSPOTTING opens and maintains an ironic monologue that helps the viewer realize most of the horrid stories transpired are of the genre 'black comedy.' *Choose Life*. Here, the protagonist's decision to take heroin, to not take heroin, then to return to heroin all replay a cycle to cope and return to mainstream society. Due to his own alienation, no matter whether he is clean or using, he continues to feel unattached to the contemporary cultural artifacts important in his modern society (i.e. televisions, automobiles, home equity). As his own life plays out two dual tracks – one of sobriety whereby he legally obtains these artifacts, the other of heroin addiction whereby he illegally steals these artifacts to supply his own drug habit – the protagonist's own grander scheme of mayhem is self-defeating and ultimately a sad irony. Eventually, his efforts in both societal acquiescence and transgression are presented to be equally futile and truly nihilistic.

irony, *n.* **1.** *a)* a method of humorous or subtly sarcastic expression in which the intended meaning of the words is the direct opposite of their usual sense /the *irony* of calling a stupid plan "clever"/ *b)* an instance of this **2.** the contrast, as in a play, between what a character thinks the truth is, as revealed in a speech or action, and what an audience or reader knows the truth to be: often **dramatic irony** **3.** the combination of circumstances or a result that is the opposite of what is or might be expected or considered appropriate /an *irony* that the firehouse burned/ **4.** *a)* a cool, detached attitude of mind, characterized by recognition of the incongruities and complexities of experience *b)* the expression of an attitude in a literary work **5.** the feigning of ignorance in argument: often **Socratic irony**¹⁸⁸⁵

Unlike the protagonist in TRAINSPOTTING, the two primary characters of FIGHT CLUB have purposely selected a transgressive reaction to mainstream society so as to undertake a major reset on the whole course of globalization. Again, unlike TRAINSPOTTING, the role of irony in the greater FIGHT CLUB story is rejected (in the film version) when the leader, Tyler Durden, tells the unnamed protagonist that his ironic "single serving friend" theory is very clever.

¹⁸⁸⁴ *Id.* at 1420.

¹⁸⁸⁵ *Id.* at 714.

TYLER
How's that working out for you?

UNNAMED PROTAGONIST (JACK)
What?

TYLER
Being clever.¹⁸⁸⁶

After Jack and Tyler become roommates, irony is no longer appropriate as they are partners in a serious course of self-discovery, and later, as leaders of a grander anarcho-primitivist movement against the very basis of globalization.¹⁸⁸⁷ Irony is no longer necessary as the “cool, detached attitude of mind” characteristic of a person that recognizes “the incongruities and complexities of experience” is inapplicable to Tyler and Jack as they have chosen to discover a deeper *consistent* truth in their own transgressive form of organized society.

So as to reflex against the alienation inherent in a mature capitalist, globalized society, all of the cases surveyed exhibited a clear authenticity, a characterization that *avoids* irony and violates a basic rule of the trendy, contemporary world-city. Jonathan Smith notes this unique attribute in his article on the Texas Aggie Bonfire:

Irony remains an exotic idiom at A&M; students bearing other symbols of alienation are remarkably few.¹⁸⁸⁸

Here, alienation is largely scarce as each community has stayed the course together, collectively working towards the political aims each UAF has been built to openly proclaim. Membership in each community in and of itself requires a serious appreciation for the values expressly reflected in the surrounding built environment, be it Tibetan Nationalism, a civic model of a cannabis-tolerant society, or the spiritual experience of a bonfire tradition. There is less room for irony when people's lives are literally at stake and success depends on the focus and unequivocal investment of community members. Communities of this sort are taking seriously the impacts of globalization, responding in both action and personal stake the development of successful collective proclamations in the very architecture of their assembled “home.” In acknowledgement of their daily struggle against marginalization, as well as to document the

¹⁸⁸⁶ FINCHER, *supra* note 1633, at mins. 0:23:50 - 0:24:10. Even though irony is largely forbidden for Jack in the story, Tyler uses irony at Jack's expense their first hang-out session at Lou's Tavern (See mins. 00:29:10 - 00:31:20). After this meeting, the characters largely refrain from irony as their mutual “Fight Club” scheme of mayhem is a serious and outright purposeful course for both characters.

¹⁸⁸⁷ The filmmakers remark that FIGHT CLUB was “a serious film made by deeply unserious people” in response to the meaning of the “most fashionable commercial imaginable for anti-materialism.” See Lim, *supra* note 1658, at AR 18.

¹⁸⁸⁸ Smith, *supra* note 122, at 189. In note 8, Smith quotes a contemporary journalist regarding the continued collective “adherence to unwritten rules.” Quoting Paul Burka from a 2004 Texas Monthly article, Burka writes that “to visit A&M is to see its values on public display.” See also Paul Burka, *Corps Values*, TEXAS MONTHLY, 122 - 127 (May 2004).

reflexive innovations these communities have uncovered, this direction of architectural theory is in desperate need of thorough evaluation, and I intend to continue this course of scholarship.

E.3. FUTURE WORK

In the sense of movements in architectural history, the three most recent societal power shifts generally fit within the Deleuzean categories of linguistic expression. In the fifteenth-century, Renaissance architecture was “fostered on a concept of building a whole new culture on the foundations of ‘lost’ Classical learning.”¹⁸⁸⁹ Incorporating recently pronounced human autonomy and individuality, the movement’s linguistic category expresses a fundamentally “mythic” language of the built environment. Ultimately, the humanistic agenda of Renaissance scholars:

sought to reconcile ancient literature and philosophy with Christian ideas, without compromising either, and the clergy tolerated to a limited extent the rapid spread of new learning and knowledge among a people still devoutly concerned with faith and spirituality.¹⁸⁹⁰

Most impressive of this era are the amazing church cathedrals created so as to act and symbolize the Renaissance movement’s intellectual connection to Classical purity, perhaps demonstrated best by the dome on the Florence Cathedral.¹⁸⁹¹

Although there are centuries of separation, the next paradigmatic movement in architectural history is Modernism, which resulted from the great structural innovations provided by the new materials of steel, glass and concrete. As innovation, business and governmental characteristics command the very meaning of this movement; its resultant characteristics match the description of a “vehicular” language of the built environment. This movement was best practiced by the three titans of Modernism: Frank Lloyd Wright, Le Corbusier, and Mies van der Rohe. Perhaps best at maintaining his allegiance to the movement, Mies van der Rohe’s Seagram Building best illustrates the International Style that resulted from Modernism, expressing a clearly vehicular power value in the built environment.¹⁸⁹²

The most recent movement started at the height of the last, as architectural practitioners increasingly rejected the utilitarian “ornament-less” values of Modernism. Instead, designers embraced what Charles Jencks characterized as Postmodernism, a movement to reestablish the

¹⁸⁸⁹ TRACHTENBERG & HYMAN, *supra* note 13, at 277.

¹⁸⁹⁰ *Id.*

¹⁸⁹¹ *Id.* at 278.

¹⁸⁹² *Id.* at 511 - 512.

importance of architectural history in contemporary design. Although largely defined by the aesthetic façade of pre-Modern types, this deference for historic reference exemplifies the Deleuzian category of “referential” linguistic expression. Perhaps the most important of the works by Postmodern practitioners was the Jewish Museum Berlin by Daniel Libeskind shown in **FIGURE 3**. Conceived to “represent the effort to rescue the Jewish memory virtually obliterated by the Holocaust,” Libeskind planned the museum to “give form to an invisible Berlin” that is made from the culture and sense of the city held by its former Jewish population prior to the Second World War.¹⁸⁹³

Of the four linguistic categories, this leaves only the vernacular language of the built environment unexplored *as a movement* since the Middle Ages. Concerned with the *here* and of the origins, this territorial movement is fitting to center the reflexive struggles against the nuisance of globalization. Current movements that necessitate reflexive statements of resistive power expression include the impacts of climate change, efforts at extending cultural longevity, collective efforts against urban homogeneity, and general issues of communal resilience in the wake of natural and social tragedy characteristic of modernization on a planetary scale.

As an alternative to a single linguistic movement of architectural theory impacting design as a paradigm, this research also suggests there is the possibility that all four linguistic categories could be employed as necessary in a fractured manner without any sort of unifying, trending movement. In a sort of situational movement, all four linguistic categories could be at the disposal of urban-architectural designers per the necessity of the client’s relationship to the dominant power, the site and other concerns. This latter alternative beckons an inquiry as to the relationship of multiple non-dominant forms of urban development within a single geophysical unit like the city or county. With such a relationship of power adjacency defined territorially by the built urban environment, an alternative non-dominant structure could potentially supplant contemporary hierarchies inherent in today’s actualized liberal form of political organization.

Regardless of the approaching paradigm of architectural expression – be it a novel movement of vernacular urbanism, an *ad hoc* non-dominant form of post-liberal territoriality, or even something completely different – the tension between dominant power and minority resistance is now a significant contribution to contemporary design theory, influencing the forms and methods of realizing the built environment on the fringes of society. Beyond a general inquiry as to understanding this now legible politicization of urbanism, the following sections regarding

¹⁸⁹³ *Id.* at 580.

research, design practice, academic inquiry, and government advocacy outline specific facets of the future work necessary after completion of this academic report.

Research. As now it has been established that an urban-architectural form can be produced as a minor expression of resistance, it is important to create a broad catalog of politically-significant UAF's for improved study and to assess the potential for theoretical generalization. Further, an outline is necessary as to the design process for creating an UAF, especially as it concerns addressing acute incidences of environmental injustice. This outline could act as a "how-to" guide for communities facing disenfranchisement, providing a method of successful self-help against marginalizing bias and collective inequity.

Design Practice. Beyond simply bolstering the general applicability and synthesizing the findings of this report, it is important to undertake first-hand design practice in minor production of the built environment. By coordinating politically active communities with invested design professionals, a more active creative method of environmental activism is possible in the re-enfranchising of space for a defined collective of users. Revisiting the pre-Modern role of the architect as a Master Builder, a reimagined role as architect-developer is possible for the design so as to actively engage political norms in favor of alternative, experimental expressions of urban-architectural design.

Academic Inquiry. Critical theory can be difficult to apply to the practice-based field of architecture due to a multitude of factors: cost, multi-generational impact of the work, and the approval process for the built environment as such approaches must come from within the mechanisms of the dominant culture. The theoretical mechanism defined by Deleuze and Guattari's treatise on minor production allows an altogether new avenue to teach, understand and judge design. In coordination with a continued research and design practice, this research allows for a robust academic inquiry as to the role of minor architecture for post-secondary education in design. Although Louis Kahn's brick may have wanted to celebrate an arch, the brick of a minor architect may in fact be one that wishes to break a window (or perhaps the glass ceiling). Long overdue in an academic setting, the political role of an architect as an agent of globalization requires a critical appreciation of the contemporary methods of realizing the built environment.

Government Advocacy. For all the ills exhibited in the established methods of political discourse in Western civilization, the institutions of democratic governance appear to continually improve the conditions of the general citizenry. As of this moment in history, it would not be reasonable

of a design professional to complain that there are no avenues to practice minor urban-architectural production which is critical of the dominant culture. Until now, most urban and architectural theorists have consistently advocated for *increased* forms of planning, design and engineering uniformity so as to insure appropriate oversight by bureaucratic agency. For minor production, just the opposite is necessary to realize working alternatives to the institutionalized methods of the dominant culture.

Although facially illogical, incorporating mechanisms of legitimate resistance against the methods of the dominant culture would actually prove extremely fruitful to the survival of Western society as a whole. Such real and serious adversaries are the first to identify and address the weakness of contemporary mechanisms, flagging unnecessary bias to the general public. Unfortunately, any systemic manner in which to incorporate such agents of defiance can prove difficult as the integration of critical power entrepreneurs can spoil a threshold of peace demarcating resistance from organized violence. On the other hand, not incorporating such resistance movements into the “marketplace of ideas” is doubly ill-fated in that the most, if not all appropriate criticism is lost without a venue for enunciation. Under these circumstances, the only permanent course to maintain dominance is the perpetual commitment to marginalize all resistant voices, especially those that have the most logical, rational complaints against the greater system of governance as it currently is employed. This is not a healthy manner in which to maintain a well-invested citizenry of diverse backgrounds and cultures.

Therefore, through research, practice and academic dialogue, methods of acknowledging resistance without succumbing to organized violence are at issue for appropriate governance. At the outset, attempts at finding urban-architectural space for such endeavors could be afforded with a sort of “free building zones,”¹⁸⁹⁴ or perhaps on an exempted basis where those marginalized populations wish to recollect and enfranchise as a sort of settlement for past wrongs. Previous failures at meeting this necessity in governance are prolific, as the conditions of Native American reservations, ethnically-defined as well as racially-homogenous ghettos have in the history of the United States suffered the most in the execution of built environment on behalf of the dominant class.

¹⁸⁹⁴ Lebbeus Woods has advocated for the creation of “freezones” that represent a system opposing mass culture, a subversion of hierarchies. See WOODS, *supra* note 11, at 142. Economic free-zones have been attempted by cities, most notably the Docklands in London, U.K., to aggressively develop blighted areas with minimal zoning encumbrance. Such political free-zones of the same nature would need to be established by law so as to embrace the value of enfranchised minority enunciation as a critical counterpart to legitimate political dominance.

These issues of political bias in the built environment, issues which are still far from adequate resolution, are inherently environmental justice issues that must be addressed with improved and exponentially more creative governance. The body of research represented in this report regarding minor urban-architectural production should be telling of the methods and circumstances that necessitate such improvements. At the very least, this thorough review highlights an approach that has been evidenced in reality, an approach towards changing the conditions of existence in a real, physical sense regarding contemporary urban-architectural design.

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